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CONTENTS

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Special

DISSEMINATION AND PREVENTIVE ACTION

Before, during and after the crisis	239
Jean-Luc Chopard: Dissemination of the humanitarian rules and co-operation with National Red Cross and Red Crescent Societies for the purpose of prevention	244
François Grunewald: From prevention to rehabilitation — Action before, during and after the crisis — The experience of the ICRC in retrospect	263

CONTRIBUTIONS TO HISTORY

Jacques Meurant: The 125th anniversary of the <i>International Review of the Red Cross</i> — A faithful record — II. Victories of the law .	282
François Bugnion: Remembering Hiroshima	307

INTERNATIONAL COMMITTEE OF THE RED CROSS

Death of Mr Hans Haug	314
	237

Press Conference given by the President of the ICRC (Geneva, 30 May 1995)	316
Preparing for the 26th International Conference of the Red Cross and Red Crescent — Second Meeting of Legal Advisers of National Red Cross and Red Crescent Societies (Geneva, 6-7 March 1995)	323
Russian edition of the <i>International Review of the Red Cross</i>	327

IN THE RED CROSS AND RED CRESCENT WORLD

Convocation to the 26th International Conference of the Red Cross and Red Crescent (Geneva, 3-7 December 1995)	329
--	-----

26th International Conference of the Red Cross and Red Crescent (Geneva, 3-7 December 1995) — Provisional annotated agenda	331
---	------------

World Red Cross and Red Crescent Day 1995 — Joint Message of the International Federation of Red Cross and Red Crescent Societies and of the International Committee of the Red Cross: <i>Dignity for all: Respect for women</i>	339
--	-----

MISCELLANEOUS

Christophe Lanord and Michel Deyra: Dissemination in academic circles — The Jean Pictet Competition	341
XIXth Round Table on Current Problems of International Humanitarian Law: Conflict prevention — The humanitarian perspective (San Remo, 29 August - 2 September 1994)	347
Geneva, New York, Washington — Dissemination of international humanitarian law to diplomats and international officials	355
Declaration by the Czech Republic	358

BOOKS AND REVIEWS

Health and humanitarian concerns: principles and ethics (<i>Henryk Leszek Zielinski</i>)	359
--	-----

BEFORE, DURING, AND AFTER THE CRISIS

The importance of promoting knowledge of international humanitarian law has been recognized since its beginnings. Dissemination was made an obligation for States by the Geneva Conventions of 1949 and their Additional Protocols of 1977.

This measure stemmed initially from something quite self-evident: there is little likelihood of a body of law being observed unless those whose duty it is to respect and apply it are familiar with it. The aim was two-fold: first the practical aspect — to respect and ensure respect for the law, and thereby prevent violations of its provisions; and secondly the moral aspect — to contribute to the propagation of humanitarian ideals and a spirit of peace among peoples.¹

The international community gave the ICRC a mandate to assist in the dissemination efforts undertaken by States. The ICRC has accomplished this task with the support of the National Red Cross and Red Crescent Societies and their International Federation. Activities to spread knowledge of international humanitarian law have intensified and diversified considerably over the last twenty years; many programmes have been set up in peacetime by the components of the Movement and guidelines have been issued indicating the dissemination methods best suited to different target audiences, primarily the armed forces.²

The ICRC for its part has built up a specialized dissemination structure that has enabled it to raise awareness in the various parts of the world

¹ Resolution 21: "Dissemination of international humanitarian law applicable in armed conflicts", adopted by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in International Armed Conflicts, 1977.

² On the evolution of dissemination methods and objectives, see the historical overview given below: Jacques Meurant, "The 125th anniversary of the *International Review of the Red Cross*: A faithful record. II. Victories of the law", pp. 282-304, at pp. 292-295.

through its network of regional delegations, with the support of the National Societies and the Federation. Literally thousands of workshops, courses, seminars, and exhibitions have been organized at the regional and national level to reach sectors of the population ranging from soldiers and officers to politicians, academic circles and the media. By way of example, this issue of the *Review* gives an account of the proceedings of recent seminars held for diplomats and international officials.³ It also introduces the reader to an original form of teaching offered by the Jean Pictet Competition, which provides law students with the opportunity to test their knowledge of the law in real-life situations.⁴

These activities, which might be described as “traditional dissemination”, are in constant evolution, adapting to keep pace with circumstances, just as the objectives of dissemination, under the pressure of tragic events, have had to be expanded to include obtaining guarantees of the safety of staff engaged in humanitarian work, ensuring acceptance of ICRC delegates by all belligerents, and facilitating access to victims.

Dissemination can be effective only if a dialogue is established between the disseminating agency and the competent authorities, which has not always been the case. The situation in this respect has deteriorated sharply in recent years owing to the total anarchy prevailing in an increasing number of conflicts and to the collapse of government and military structures in a good many countries where armed force has disintegrated into arbitrary acts and banditry. Not to mention the unacceptable increase in violations of the fundamental rules of humanitarian law.

This situation has caused grave concern in the international community, with the United Nations in particular seeking new ways to manage such crises. The Round Table held by the San Remo International Institute of Humanitarian Law in September 1994 and entitled “Conflict prevention — the humanitarian perspective” considered several aspects of preventive action and arrived at conclusions that the *Review* reports on below.⁵ Notable among them is the observation that those responsible for international action must have the necessary political will to take appropriate

³ See below: “Geneva, New York, Washington — Dissemination of international humanitarian law to diplomats and international officials”, pp. 356-358.

⁴ See below: “The Jean Pictet Competition”, pp. 341-347.

⁵ See below: “Conflict prevention — the humanitarian perspective. XIXth Round Table on current problems of international humanitarian law (San Remo, 29 August-2 September 1994)”, pp. 348-355.

preventive measures. It is also desirable to obtain the support of the parties directly involved in a conflict. Finally, short-term preventive action, while producing immediate effects, may well fail to deal with the roots of the conflict because of the "emergency" factor; while long-term action may be more effective in addressing the underlying causes of the situation.

These new factors prompted the International Red Cross and Red Crescent Movement, and the ICRC in particular, to review its position and adopt a novel dissemination strategy focusing on preventive action, to be taken not only BEFORE the potential conflict, but also DURING the crisis and in its AFTERMATH, with a view to restoring peace.⁶ While the fundamental objective of dissemination remains constant — to limit the suffering of victims and prevent violations of the law — there is an aim specific to each situation as it arises: before the conflict, action to prevent the emergence of violence; during the conflict, action to limit the spread of violence; and, after the conflict, action to prevent any breakdown of the peace process.

In each of these three situations, the means used are tailored to the circumstances. Emphasis is placed on using local resources, as demonstrated by the initiatives taken by the ICRC and National Societies in setting up programmes appropriate to the customs and language of the target audience. It cannot be stressed too strongly that every dissemination operation must be closely linked with the ethical and cultural values of the region concerned. The intercultural approach, so essential in dissemination, "thus consists in seeking in local symbolism the sometimes forgotten traces of humanitarian traditions and juxtaposing this heritage with humanitarian law so as to show the universality of these values".⁷

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The Movement tends to adopt the same strategic approach for operational crisis management. Each situation, BEFORE, DURING, and AFTER the crisis, calls for appropriate preventive measures. In this issue an ICRC staff member shows, on the basis of many field operations

⁶ See below the article by Jean-Luc Chopard: "Dissemination of the humanitarian rules and cooperation with National Red Cross and Red Crescent Societies for the purpose of prevention", pp. 244-262.

⁷ *Ibid.*, p. 255.

corresponding to each of these three situations — and in the light of past mistakes — just how important it is to prepare the civilian population to cope with disaster situations and to give adequate training to delegates and personnel of the Movement's various components.⁸

In the midst of the crisis, the victims must be given the means to stay alive today and to survive tomorrow. Hence the importance of the multidisciplinary teams set up by the ICRC, comprising nurses, nutritionists, agronomists, sanitary engineers, logistics experts, and delegates with experience in a wide range of tasks.

But another major challenge is to prepare, during the crisis itself, for rehabilitation, which is the first step towards development. The combined approach of food aid plus emergency agricultural rehabilitation may have a preventive effect, tending to slow any further deterioration, promote food production systems and restore the dignity of the producers. It is up to the international agencies concerned to provide support for survival strategies when a population is subjected to a prolonged war. The ICRC therefore tries to safeguard agro-ecological systems, respect traditional practices, and set up emergency agricultural rehabilitation programmes based on indigenous knowledge and customary procedures.

Finally, after the crisis, partners must be found who are qualified to take over and continue rehabilitation work. The role of the National Societies, often the only structures in civilian society in a position to do this with the assistance of the Federation, is a vital one at this stage. Hence the need for the Movement to have strong and well-structured National Societies capable of setting up development strategies that tackle the root of the crisis. The "assistance-protection" model is increasingly being replaced by the "presence-dissemination-protection-assistance" approach, which is not yet fully appreciated but which will certainly be at the forefront of the Movement's concerns in the future.⁹

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As ICRC President Cornelio Sommaruga remarked in his closing address to the XIXth San Remo Round Table: "According to the proverb,

⁸ See below the article by François Grunewald: "From prevention to rehabilitation — Before, during, and after the crisis. The experience of the ICRC in retrospect", pp. 263-281.

⁹ *Ibid.*, p. 281.

‘prevention is better than cure’. For the Red Cross, that means first and foremost taking action to help every victim, whether of conflict or of social ills, but it also implies rehabilitation, the constant endeavour to consolidate peace by positive action; secondly, it means undertaking, in complete neutrality and independence, a serious educational mission, through dissemination of international humanitarian law and human rights, the Fundamental Principles of the Red Cross and Red Crescent, and basic moral values centred around respect for human dignity”.

The Review

Dissemination of the humanitarian rules and cooperation with National Red Cross and Red Crescent Societies for the purpose of prevention

by Jean-Luc Chopard

INTRODUCTION

When it was founded, the ICRC, recognizing the unpredictable and inescapable nature of war, hoped that it would be able to alleviate the most harmful effects of war by providing protection and assistance and raising awareness¹ of international humanitarian law and the need to respect it. Thus all the activities undertaken by the institution are rooted in the reality of war — the degree of medical assistance and relief, for example, depends on the number of victims, while protection for prisoners is specifically given to “persons detained because of the situation”. Similarly, the ICRC’s Central Tracing Agency forwards family messages when normal communication channels are severed, traces people who have gone missing because of the conflict, and reunites family members separated by the events. The only ICRC activities that are not exclusively a response to needs resulting from war are the dissemination of knowledge of humanitarian law and principles, and cooperation with the National Red Cross and Red Crescent Societies.

¹ In 1869, the final resolution of the 2nd International Conference of the Red Cross stipulated that “Knowledge of the Articles of the Geneva Convention must be disseminated as widely as possible, particularly among soldiers”.

The preventive nature of dissemination and cooperation

Like the ICRC's other activities, the dissemination of humanitarian law was codified in the Geneva Conventions of 1949 and the Additional Protocols of 1977.²

Over the years, however, the preventive nature of dissemination has come to the fore. Whereas operational activities are only now tending to extend beyond the limits of the conflict, thus to begin in the phase before the actual outbreak of conflict and to continue in its aftermath,³ dissemination has always essentially concentrated on those same phases. It was not until 1978, when three ICRC delegates were killed in a serious security incident in Rhodesia, that new operational objectives, namely to ensure the safety of personnel, to promote understanding for and hence acceptance of the ICRC and its work, and to facilitate access to victims, were adopted with a view to preventing violations of humanitarian law by spreading knowledge and awareness of it.

The preventive nature of cooperation in the development of National Societies is less evident. Originally, their role was to prepare themselves in time of peace to act as medical auxiliaries to the armed forces in time of conflict. Thus, as National Society volunteers were to be placed on the same footing as the armed forces' medical services in time of war, their task in time of peace was to prepare for emergency action. However, the epidemics which swept across Europe between the two World Wars and, more particularly, the desire for lasting peace after World War II radically changed the National Societies' original rationale for existence. With the support of the League of Red Cross Societies (now the Federation), they rapidly switched to providing medical and social assistance in peacetime. The ICRC, however, continued to cooperate with the National Societies in preparing for possible emergency situations. These two support systems have enabled the National Societies to gear their activities to the needs dictated by a given situation. For example, the Red Cross or Red Crescent Society of a country at war may intervene to meet the needs that arise,

² Under the Geneva Conventions and the Protocols, the dissemination of humanitarian law is primarily the responsibility of the States, which, by becoming party to these instruments, undertake to spread knowledge of the law and to respect it. At the same time it is up to the ICRC to support these efforts, in accordance with the particular responsibility assigned to it by the Statutes of the International Red Cross and Red Crescent Movement (Art. 5, paras a) and g)).

³ See article by F. Grünewald in this issue of the *Review*, pp. 263-281.

thereby complementing or supplementing the activities undertaken by the ICRC in its own domain, whilst if the country is at peace, the National Society gives priority to victims of natural disasters or serious socio-economic problems.

To sum up, apart from activities that are solely the responsibility of the ICRC, the scope of activities undertaken by the National Societies is determined by each Society's ability to respond to the most urgent humanitarian needs, regardless of whether they occur in a conflict situation or in time of peace. **Obviously, cooperation creates enormous possibilities for the implementation of preventive measures in time of peace.**

The ICRC and the prevention of war

From the very beginning the ICRC has taken a realistic, practical approach and has concentrated on remedial activities. In his inaugural speech at the Geneva Conference of 1863, General Dufour stressed that the institution would strive to "render the consequences (of war) less terrible, rather than pursuing the illusion of eliminating war". Nonetheless, in addition to its wartime activities, the ICRC has also given much thought to ways of preventing war.

The prevention of war was first addressed by the Movement just after World War I, as evidenced by its appeal to the peoples of the world to combat the spirit of war. The appeal was made by the International Committee of the Red Cross and the League, and was adopted by the 10th International Conference of the Red Cross in 1921. The ICRC exercised extreme caution in dealing with the issue, its reticence being justified by two major concerns. Firstly, the conflicts of that time were primarily motivated by economic and political ambitions, and it is hard to conceive of the ICRC championing measures for the prevention of conflicts in a Europe dominated by the territorial conquests and re-conquests of the late nineteenth century. Such an aspiration would have been considered equally absurd during the Cold War conflicts, where supranational strategic interests and national ideological ambitions prevailed. Secondly, the very structure of war lent itself to effective action by the ICRC. The combatants were educated in the art of warfare and operated within a strict hierarchical system, whilst the ICRC was in contact with the highest echelons of command. It was thus able to put over its humanitarian message and ensure that its humanitarian work would be understood at every level. Battlefields were clearly identified, the distinction between

civilian objects and military objectives was respected, and the scope of intervention by the ICRC clearly delineated. Within this context, the ICRC focused most of its efforts on remedial action, taken during the actual conflict to alleviate the consequences of violence and limit the suffering caused. *Since the end of the Cold War, however, observers have repeatedly pointed out that the world is changing, and that this process is causing new types of conflicts to emerge.* If this is the case, the ICRC might have even less reason than it did in the past to distance itself from preventive measures, including measures for the prevention of conflicts.

Changes in the humanitarian field

Changes in the humanitarian field may be summarized as follows:

1. Most of today's conflicts are not motivated by national or supranational interests but are the product of internal tensions, more often involving issues of identity than politics or ideology. People in the former Yugoslavia, Rwanda and Chechnya, for example, are fighting to defend or ensure the survival of their clan or community.
2. These "identity" conflicts have no territorial boundaries. The war is fought anywhere and everywhere, and affects civilians in particular. Urban violence is becoming the order of the day as confrontations occur with growing frequency in the villages and towns, especially poverty-stricken, densely populated districts.⁴
3. The combatants no longer make any distinction between themselves and civilians — a situation which leaves the ICRC somewhat at a loss. Whereas in the past the ICRC would traditionally negotiate with those in power and could rely on the authority of its high-level contacts to promote respect for humanitarian law at the lower levels of the hierarchy, today's conflicts present a very different picture. The worst violations of humanitarian law and principles are no longer committed by military personnel but by undisciplined irregulars and by civilians. Any civilian may be pressed into service by lawless bands of militia

⁴ It should be noted that the ICRC finds it difficult to work in densely populated, poverty-stricken areas such as shanty towns. In Peru, for example, the delegation was forced to abandon its aid to victims of the violence that flared in the slums of Lima, since to assist such a small percentage of the population while two million other people all around were living below the poverty line would have been unthinkable. Yet identity conflicts and civil wars typically thrive in such surroundings.

or armed groups who, respecting neither God nor man, claim to be defending the integrity of the clan, ethnic community, or religious faith. It should be stressed that the religious factor, always acute in an identity crisis, can render the ICRC even more powerless to act, for religious fanaticism places a coherent and sacrosanct value system in direct opposition to humanitarian law, which is perceived as profane and — what is worse — neutral. And once the good and the bad (or Good and Evil) have been designated by God, what room is left for neutrality or impartiality? Crises with religious implications are further complicated by the notion of martyrdom — a very sensitive issue for an organization such as the ICRC to address since, in the eyes of fanatics, the ICRC is included in the rejection of anything Western.

4. Lastly, wars are no longer fought for the purpose of guaranteeing State or domestic security. In a situation where the most basic resources are in short supply, the goal is to destroy the other side in order to ensure one's own survival.⁵ In some ways, today's conflicts resemble those of the Middle Ages, when capture often spelled death, when women and children were treated as the spoils of war, and when it was the practice of belligerents to destroy the enemy without further ado. The armed forces and senior government officials, formerly the ICRC's best contacts, can no longer be relied on alone to promote the letter or the spirit of international humanitarian law.

Prevention rather than cure

Faced with anarchic violence, the ICRC and other humanitarian agencies do not know where to turn: they no longer have contacts in a position to pass their message from the upper ranks of the hierarchy down to its lowest levels; combatants are no longer clearly identified; the rules are no longer applied because the belligerents never learned them; and violence knows no limits, because governmental authority has given way to the arbitrary sway of the militias or terrorism. Within this context, the international community is making even greater efforts than the humanitarian organizations to find new means of crisis management. For example, in his *Agenda for Peace* the UN Secretary-General Boutros Boutros-Ghali calls for a whole range of preventive measures to meet the

⁵ See Robert Kaplan's analysis of new types of conflicts, "The coming anarchy" in *Atlantic Monthly*, February 1994, pp. 44-76.

challenge of post-Cold War conflicts. At the regional level, the Organization for Security and Cooperation in Europe (OSCE, previously the CSCE) has taken a number of steps to create international mechanisms to help prevent conflicts; such mechanisms are justified by the OSCE Secretary General in these terms: “Uncontrolled inter-ethnic conflicts were an almost unknown phenomenon in the period of East-West confrontation. With their abrupt re-emergence, the international institutions were caught completely unprepared, without experience and basically without instruments, to deal with this challenge — thus new approaches have had to be developed”.⁶

THE ROLE PLAYED BY COOPERATION AND DISSEMINATION IN CONFLICT PREVENTION

The ICRC has developed a large number of dissemination and cooperation activities for the purpose of preventing conflicts. Some of these activities are described below.

Preventive action

The ICRC defines its role in the prevention of conflicts by setting objectives and determines the extent of its involvement by allocating resources. The objectives set and the means deployed depend on the respective situation.

a) The objectives of preventive action

The objectives of preventive action are determined by the type of situation in which the ICRC intervenes. A general distinction is made between three types of situation, according to three phases: towards conflict — during conflict — towards peace. The objective of preventing violations of international humanitarian law and limiting suffering is constant and unchanging, retaining its validity whatever the situation. In all three situations it is a continuum. Dissemination, on the other hand,

⁶ Dr Wilhelm Höynck, Secretary General of the CSCE, “CSCE works to develop its conflict prevention potential”, *NATO Review*, April 1994, pp. 16-22.

places varying emphasis on its respective objectives at each phase of the conflict. In a pre-conflict situation, for example, cooperation and dissemination activities are both intended to **prevent the outbreak of violence**; during the conflict, the preventive⁷ objectives are primarily to **limit the extent of the violence**; and once the conflict is over, activities are mainly designed to **prevent a breakdown in the peace process**. Therefore, it is important to identify the type of situation in which the ICRC is called upon to intervene so that its preventive role can be determined on this basis and on the basis of the resources available for fulfilling this role.

b) The methods used

As a general rule, the term "prevention" is taken to imply negotiation, mediation, conciliation and arbitration. But political instruments for the peaceful settlement of conflicts are rarely employed by the ICRC,⁸ since negotiating to resolve a conflict involves military, political and economic interests which it does not address. International and regional organizations like the UN and the OSCE, on the other hand, have bodies and procedures to deal with such issues.⁹

However, there are other categories of preventive action in which the ICRC can intervene. Through dissemination, it helps to prevent conflicts by promoting values such as tolerance and impartiality which are conducive to the establishment of a spirit of peace. Similarly, through cooperation with the National Societies, ICRC action can have an impact on certain causes of conflict.

Thus, the ICRC's preventive role varies, depending on the various stages in the development of conflict, which includes not only open war but also the phases leading up to and following the hostilities. Different terms are used to refer to these stages. The UN, for example, speaks of *peace-keeping*, *peace-making* and *peace-building*. The OSCE, on the other hand, refers to its activities in the pre-conflict phase as *early warning*, *early action* and *conflict prevention*. To designate the conflict phase, it uses the term *crisis management* and does not refer to preventive

⁷ Emphasis should be placed on the word *preventive* since, in time of conflict, dissemination also has operational objectives such as guaranteeing the safety of humanitarian activities and personnel, and facilitating access to victims.

⁸ In particular, we might recall the role of the ICRC during the Cuba crisis (1962), in Santo Domingo (1965), and in El Salvador (1989).

⁹ See the *Handbook for the peaceful settlement of differences between States*, United Nations, New York, 1992.

activities in the subsequent phase. For its part, the ICRC, underscoring its wish to contribute to prevention above all in situations closely associated with armed conflict, has chosen to refer to these situations as *towards conflict*, *during conflict* and *towards peace*. In these contexts, the ICRC engages in preventive activities through some forty specialist delegates in the field and through twenty or so regional delegations.

Dissemination and cooperation in the “towards conflict” phase

This phase is a very dynamic one. Various degrees of tension may be observed, culminating in the state of emergency or so-called “open” conflict. In his address to the seminar on minorities and the prevention of conflicts, held at the Henry Dunant Institute in 1993, Professor Kux described four phases in the development of violence,¹⁰ each of them recognizable by specific signs. Though the inventory of these signals is by no means exhaustive, observation of them helps in adopting advance measures to check any escalation.

During the initial phase, the first signs of impending conflict can be seen in the discrimination suffered by individuals because they belong to some specific group. They can take the form of public statements or street demonstrations. In the second phase, the expression of grievances leads to a mobilization of support for the cultural, social or ethnic characteristics of the group concerned. The speed of recourse to political and economic means to defend real or perceived rights depends on the speed with which the situation deteriorates (political instability, economic decline, border changes, massive migrations, the collapse of a dominant ideology, biased media campaigns, and so on). Then come the first violent demonstrations and the situation becomes polarized. Moderate leaders are replaced by more radical ones. Communication between groups diminishes, soon to be broken off entirely. The third phase is thus reached. The subjects of discord become highly emotive; political discourse is loaded with references to group identity; the emphasis is on differences rather than similarities. Groups threaten each other with the use of violence and then carry out their threats. One side organizes an armed group; the other reinforces

¹⁰ See the document *Minorities and prevention of conflicts: role of National Red Cross and Red Crescent Societies*, Henry Dunant Institute, Geneva, 1993, pp. 34-38.

its repressive measures. In the final phase, open conflict flares and a state of emergency is declared. Negotiations are deadlocked and demarcations of identity become battle lines.

The impact of preventive measures is inversely proportional to the rise in violence. At best, the greatest effort must be made during the first two phases, before violent demonstrations start to occur and above all before the parties feel threatened and replace moderate leaders by extremists.

To sum up, preventive measures by the International Red Cross and Red Crescent Movement can be taken at the point where the manifold causes of conflict converge. It is in such situations of political upheaval and shattered national solidarity, when political regulation is lacking and when social iniquity, ethnic exclusion and discrimination reign, that the ICRC and the National Societies can take action to prevent the situation from deteriorating into armed conflict.

a) Contribution of National Societies

The National Societies,¹¹ supported by the Federation, are particularly well placed to respond to the first and second phases in the development of conflicts. Experience shows, however, that despite the great efforts which the Federation makes to support its members, the support is not enough and, more especially, the results obtained fall short of the challenges emerging in new types of conflicts. More than ever, there is a need to address humanitarian questions before conflict breaks out by calling on the indispensable help of local authorities or institutions. International organizations do not have the cultural affinities needed for a deeper understanding of the context (which would permit timely preventive action) nor immediate access to information on sources of local tension. It is up to local authorities or institutions to take the initiative before tensions degenerate into civil war or some other form of large-scale conflict. International organizations can step in only in individual cases as they do not have the means to take preventive action wherever necessary. On the other hand, because they are well aware of the limited effectiveness of humanitarian action in response to the anarchic savagery of recent conflicts, they can do more to help competent local bodies to sustain their preventive efforts. And also because there is every likelihood of identity conflicts multiplying throughout the world.

¹¹ See Articles 3 and 6 of the Statutes of the Movement.

The National Societies and their members are the competent local organizations of the Movement. The introversion of cultures, the recourse to identity-centred ideology and the violent forms in which this is manifested are often explained as a reaction to isolation or to the exclusion of a community from political and economic life because of its ethnic or cultural characteristics. National Societies have the means to address this particular cause of violent upheaval by simple respect for the principles of the Movement and by bearing the need for operational efficiency in mind. Let us recall the situation of the South African Red Cross during the apartheid era, when it wished to go to the townships to give help to those injured in the riots, although its members, employees and volunteers were exclusively of the white race. To reproduce within its own structures the deliberate or unintentional discrimination of the State against a community is not only contrary to the principle of impartiality, but also helps to exacerbate the feelings of exclusion and isolation which are certainly the main reasons for promoting a heightened sense of group identity and its violent manifestations. Some National Societies have modified their recruitment procedures and their structures in order to maintain a balanced representation of the communities. In South Africa, all vacant posts are now widely advertised in all regions of the country. The selection of candidates is no longer decided according to ethnic criteria or qualifications already obtained but on the basis of their training potential. Finally, once recruited, employees are helped through continuous training. The Northern Ireland branch of the British Red Cross also advertises vacant posts widely without mentioning whether the region or district concerned is Catholic or Protestant. Candidates submit their applications and indicate their religion in a sealed envelope, which is opened only after the selection process is complete. The Malaysian Red Crescent Society has also had long experience of multiracial representation since the violent ethnic clashes of 1969.¹²

Tolerance and participation — the real antidotes to group identity conflicts — can also be promoted by other means. In 1989 UNICEF, in cooperation with the Lebanese Red Cross Society, organized a holiday camp in Lebanon for the young people of all the country's various communities. For a week, the children lived and played together, talked and shared experiences. The video which UNICEF made on this occasion is a poignant testimony to their discovery and growing understanding of

¹² For further details of these various experiences, see *Minorities and prevention of conflicts*, *op. cit.*, pp. 22-29.

each other, beyond prejudices and stereotypes. The Spanish Red Cross has also made efforts to promote tolerance and the acceptance of others among young people. It has conducted a campaign including leaflets, posters, and a TV advertisement. At the same time, it has approached schools with an educational role-playing series relating to understanding and communication between groups, communities, or peoples.

b) Contribution of the ICRC

The ICRC's contribution to conflict prevention primarily takes the form of promoting knowledge and the implementation of international humanitarian law as being conducive to mutual understanding, tolerance, cooperation, and a durable peace between peoples. This principle has frequently been recalled by the ICRC during consideration within the Movement of its role in favour of peace.¹³ In making known the humanitarian rules, the ICRC focuses on ethical and cultural values (myth, poetry, symbolism), and on politics and law. These various elements all have a bearing on prevention: ethics, law, and politics help to tame violence, just as serious economic and social instability (massive migrations, economic crises, etc.) serve to exacerbate it. Popular ethical codes and symbolism may include a moral culture of violence, reinforced by deeply entrenched reference values such as ethnicity or nationalism. This propensity to violence can be countered by the values of peace, humanism, or humanitarianism and tolerance. Political power, depending on historical interests or the constraints imposed upon it, may establish a hierarchy of such values, create legal norms, and adopt enabling measures. However, before beginning the political and legal revival of humanitarian values, it is necessary to demonstrate that they form part of the cultural heritage of the society concerned.

c) Intercultural approach

The ICRC delegation in Cairo has pursued this approach in an exemplary manner. In particular, it has published calendars which retrace humanitarian thought in pre-Islamic and Islamic history. Thus, the first "cultural" calendar in 1993 drew its references from the historical chronicles of the Arab-Muslim world. The texts, set alongside the cor-

¹³ See in particular: *To Promote Peace — Resolutions on peace adopted by the International Movement of the Red Cross and Red Crescent since 1921* and the reports of the World Red Cross Conferences on Peace (Belgrade, 11-13 June 1975, and Aaland/Stockholm, 2-7 September 1984).

responding provisions of international humanitarian law, largely consisted of injunctions by the Caliphs and the orders of army commanders setting out to war at the time of the Crusades. The 1994 calendar contained humanitarian quotations from Arabic literature and poetry. This year's calendar recalls agreements concluded between civilizations, some of the texts antedating Christianity and Islam. The intercultural approach thus consists in seeking in local symbolism the sometimes forgotten traces of humanitarian traditions and juxtaposing this heritage with humanitarian law so as to show the universality of these values.

The intercultural approach also finds expression through other channels of communication. The Cairo delegation has already produced two radio serials of thirty episodes which are broadcast in the countries of the Middle East, particularly during the holy month of Ramadan. The first series, based on the "Thousand and One Nights", is entitled "The Thousand and One Days". As in the original, the heroine has to save her life by telling a story every night to the king who is holding her captive. During the day, however, she escapes from the castle and sees the distress and violence in the world around her. When she returns to the king, she tells tales which reflect the injustices she has seen and shows how they can be remedied by acts of charity and inter-community solidarity. The second series, on the other hand, is based on real life incidents; it tells the stories of people who have received humanitarian aid or of those who are involved in it (volunteers from National Societies, ICRC delegates and local employees). The episodes have been produced, directed and recorded together with Egyptian professionals and actors.

The intercultural approach, the cornerstone of preventive efforts, is by no means the exclusive preserve of the Cairo delegation, though that was where the first systematic steps were taken. Now, more and more delegations — like the ones in Burundi and the Caucasus — are following suit. Other preventive approaches are also being taken in these projects: one is a completely new initiative designed to rally public opinion in support of respect for a minimum of humanitarian principles; the other seeks to encourage systematic instruction in the values underlying humanitarian law and the fundamental principles of the Movement as part of the primary and secondary school curriculum.

Concerned about the scale of the human tragedy affecting parts of Burundi since October 1993, the ICRC set up a series of meetings with leading civilians on the subject of "Burundi's humanitarian traditions: change and the possibilities for restoring their influence in the Burundi of today". The discussions resulted in the adoption of a "Declaration for the promotion of humanitarian conduct: appeal for a minimum of humanity

in situations of internal violence". The Declaration, which draws on international humanitarian law provisions, was formulated by the Burundians on the basis of traditional local proverbs in the African Great Lakes region. A national campaign was launched to publicize the Declaration, using a variety of teaching methods such as illustrated brochures, a play and a radio adaptation of it, and a video showing the text of the Declaration against a background of pictures filmed after the tragic events of October 1993. Other programmes are being carried out in the country's schools.

The Caucasus project is narrower in scope, for it is destined more specifically for schools and ministries of education. The ICRC contacted those ministries in certain countries of the former USSR and offered to prepare an instruction manual similar to the one drawn up by the Dissemination/Youth department of the Geneva section of the Swiss Red Cross, but adapted to the countries' particular traditions and culture. The manual is included in the teaching of the national language and the basic texts, presented in a form accessible to children, encourage tolerance, solidarity and the acceptance of others. It also contains interactive exercises relating to the pupils' immediate environment so that humanitarian values can be inculcated through experience and participation.

d) Politics and law

No description of the ICRC's work in the field of prevention would be complete without reference to politics and law. Political power, within its own limits, can adopt measures to protect and implement humanitarian law by giving political support for them and drawing up legal rules. The ICRC also intervenes at this level, particularly with the help of its regional delegations and by making proposals for systematic instruction in the humanitarian rules to be provided in academic circles in peacetime.

One of the first priorities of regional delegations is to encourage the authorities to adopt measures to implement international humanitarian law. These delegations can sometimes serve as an early warning system, thus enabling the ICRC to prepare for a possible emergency and to intervene very rapidly when necessary.

e) Towards more systematic dissemination and the search for local disseminators

Such is the scale and gravity of the task of ensuring respect for humanitarian law and the Fundamental Principles of the Movement that, in today's world, our approach must be to encourage local people to endorse humanitarian values and to undertake to propagate them. At its meeting on

20 October 1994, the ICRC's Executive Board approved a plan of action intended to reinforce a systematic approach to certain target groups. The document setting out the course of action ("To assist States to assume their treaty obligation to disseminate...") reaffirms the terms of the Final Declaration adopted by the International Conference for the Protection of War Victims (Geneva, 30 August-1 September 1993). The said obligation calls for an effort of systematic dissemination at national level, particularly to the armed forces, educational establishments, public administrations, and the population in general. The ICRC has also set itself the task of helping National Societies to systematize dissemination to all their staff and members, including volunteers. When addressing an external target group, these Societies will enjoy all the more credibility if their message is associated with some specific activity undertaken on that group's behalf.

The ICRC is gradually applying this systematic approach to dissemination in the field. Its staff for the "Eastern Europe and Central Asia" operational zone have already acquired considerable experience in this regard. Thus, apart from the programmes already launched in the schools of the Caucasus, a similar approach is currently being taken with regard to the National Societies, armed forces, and universities of that region.

All the experiences referred to here — and the list is far from exhaustive — illustrate just how far the ICRC is involved in preventing the emergence of violence through dissemination activities in the phase preceding conflict. Several of these activities, such as the national dissemination campaign in Burundi, have been developed in the light of recent events. However, the essence of these projects lies, on the one hand, in the rejection of a fatalistic view of inter-community violence and, on the other, in the conviction that such tensions can be resolved by means other than armed confrontation. The initiatives taken by the National Societies and the ICRC thus go beyond the latter's priority aim, which was to prepare for emergency situations, but also (the one is not possible without the other) make a real contribution to the prevention of conflicts.

Dissemination during conflict¹⁴

During a conflict, the preventive aim of dissemination changes. It is no longer a question of preventing the *emergence* of violence but of

¹⁴ In the following lines, the question of cooperation has been deliberately left to one side. In a situation of armed violence, cooperation with the National Societies focuses on

preventing its *extension* and limiting the number of victims. The aim of preventing the emergence of violence can no longer be maintained since the parties have already effectively taken up arms and there are victims. In these situations, dissemination also includes operational aims.

Until 1978, when a serious security incident in Rhodesia cost the lives of three delegates, dissemination was concerned primarily with the prevention of violations of humanitarian law, in accordance with the recommendation of the 4th International Conference of the Red Cross in 1887 designed to "spread knowledge" (of humanitarian law). The 1978 tragedy sparked off a debate on the operational utility of dissemination to promote acceptance of the ICRC, guarantee the security of its personnel and facilitate access to victims. This period of reflection led to the ICRC Executive Board's adoption in 1990 of a dissemination policy with the specific aim of "helping to enhance the security and effectiveness of humanitarian action". Given the conditions on the ground in a situation of conflict, this immediate objective of security tends to predominate. Moreover, it must be stressed that most of the delegates specializing in dissemination are sent to areas of conflict.

In the heat of war, feelings run high among the combatants, their leaders, and the population as a whole. Dissemination then comes up against problems largely inherent in such an inflamed situation. War generates crime. With the disappearance of authority and the likelihood of punishment, the borders between legality and illegality become blurred. "Violence breeds violence and horror engenders horror".¹⁵ Chaos reigns supreme when the very horror of an act offers the only chance of survival, as seems to have been the case in Rwanda. In the dynamics of conflict, where destruction of the adversary is often the primary objective, dissemination is diametrically opposed to that objective. The idea of educating regular or militia forces in time of war seems more unrealistic than the intention in time of peace "to train men to become men and to remain men even when they are combatants",¹⁶ even if the act of dissemination has to be repeated. In a situation of conflict, delegates engaged in dis-

their emergency preparedness by developing their capacity for remedial action (first aid, evacuation of the injured, etc.), rather than for the preventive action which is the subject of the present article. However, it remains important to find a means of ensuring that remedial action in emergency situations is also of long-term benefit in reinforcing the respective Red Cross or Red Crescent Society.

¹⁵ Eric David, *Principes de droit des conflits armés*, Bruylant, Brussels, 1994, p. 533.

¹⁶ *Ibid.*, p. 535.

semination can at best turn to their own heavy weapons. In the former Yugoslavia, for example, every conceivable item in the dissemination arsenal has been deployed to encourage at least a minimum of humane conduct: the creation of a network of delegates and local staff specializing in dissemination, TV advertisements, radio broadcasts, brochures, appeals in newspapers, educational sessions with the armed forces and other people bearing arms... And all for a result which, though difficult to evaluate, must be modest, given the extent of violations of the most fundamental humanitarian principles. There is a similar or even worse sense of impotence in Rwanda, where the ICRC's communication efforts have enabled it to remain "tolerated in the midst of the intolerable". Yet it has at least been able to bring help to a number of victims, though admittedly small.

However, this comment as to the very restricted impact of preventive dissemination during conflict must be placed in context. The situations referred to above are extreme cases. It can and does vary considerably on the ground, in the thirty or so theatres of operations in which the ICRC is present. In fact, the more violent and anarchic the situation, the truer the argument often put forward by the ICRC's operations staff, namely that operational activities are the best form of dissemination. Indeed, in the worst of circumstances, faced with fanaticism and a disorganized power structure that is no longer respected, where communication is no longer possible and authority has disappeared, the best way of propagating a spirit of mercy and respect for human dignity unquestionably lies in the example of impartial assistance. But the ICRC's inability to convince fanaticized minds does reflect a failure of dissemination work in the pre-conflict phase, for the humanitarian message must be conveyed before a war if there is to be any chance of getting through to the combatants' humanitarian conscience once hostilities have broken out. That is the challenge which must be taken up in times of peace and relative peace. To that end, with the indispensable aid of the States, dissemination resorts to an intercultural approach, creating a sense of responsibility in the local media and systematically raising the awareness of young people, academic circles, National Societies, and the armed forces.

Dissemination and cooperation in the post-conflict phase

In the post-conflict phase, dissemination and cooperation revert to their pre-conflict aim of preventing the emergence of violence. A number of dissemination activities, moreover, can equally well be carried out

before or after a war. For example, a radio play recorded in Somalia during a phase of abating hostilities praises the values of tolerance and the promotion of a spirit of peace inspired by traditional Somalian values akin to those of humanitarian law. It would have been just as possible to broadcast a message of tolerance before the war and to promote reconciliation after the hostilities. Nevertheless, different shades of meaning do exist and it is preferable to speak of dissemination activities intended *to prevent the breakdown of the peace process*. In other words, dissemination and cooperation after the conflict must be linked to efforts to stabilize the country.

It is true that the main threats to national stability - such as the border disputes, fragile economy and precarious political situation which are all too often the lot of countries emerging from war - do not fall within the competence of the Movement. Other domains, however, particularly the social, psycho-social, and ethno-cultural, are factors which affect the return towards peace and which call for assistance from both the ICRC, the Federation, and the National Societies, whether through cooperation in development or through dissemination.

In Yemen, for example, live munitions still lie in wait around the towns which were besieged during the conflict. They represent a threat to the civil population and especially to children, who do not recognize the danger and run the risk of being maimed for life. As a partial response to this problem (the explosives are still where they were), the ICRC delegation, together with the Yemen Red Crescent Society, has organized a campaign to warn the population against the hazards and to tell children what they should do. The campaign proved to be a great success because it addressed a genuine social concern. At the same time, it was an opportunity to promote knowledge of humanitarian law and the Fundamental Principles of the Movement.

In order to maximize the preventive effect, the dissemination and cooperation options may have to be adapted to meet the more prominent social problems. In this context, the initiative taken by the Australian Red Cross, which has conducted a programme in the West Bank for the reintegration of former detainees, is particularly apposite. According to the conclusions of a recent report published after a study conducted in seven countries emerging from civil war, peace, demobilization, and reintegration are highly interdependent processes.¹⁷ The reintegration of

¹⁷ Report of the World Bank Seminar, *Demobilization and Reintegration Programs for Military Personnel*, Paris, 28 October 1994.

persons removed "from civilian life" by hostilities, such as soldiers, militiamen, and detainees, is a far from negligible contribution to the restoration of peace.

In this context, we must recall the fate of the children of the *intifada*. While their situation is not as extreme as that of child-soldiers, they have grown up amidst violence and prejudice. They deserve the help of a body which could, for example, organize campaigns on the subject of tolerance and acceptance of others, or arrange inter-community camps like those run in Lebanon in 1989 by UNICEF in cooperation with the National Society. Similarly, the Spanish Red Cross has devised role-playing games to promote tolerance and acceptance of others among young people.

Finally, in preparation for a return to peace and the gradual withdrawal of the ICRC, dissemination work must be reorganized to resume a systematic approach to the priority target groups. If the ICRC withdraws from an operation without having made the authorities aware of the obligations to promote humanitarian law that adherence to the Conventions entails, or without leaving behind local dissemination structures and personnel, it must consider that it has to some extent failed in its task.

CONCLUSION

The new types of conflict now emerging have completely changed the sphere of humanitarian action: there are no contacts capable of passing messages down through the chain of command; combatants can no longer be clearly identified; parties cannot be reminded of the rules because they have never learnt them; there are no limits to be respected because the authority of the State has given way to the arbitrary rule of militia forces or terrorism.

To ensure respect for international humanitarian law, the ICRC must now more than ever diversify its previous hierarchical and reactive approach. Due account must be taken of the fact that since the advent of irregular armed bands, recruited in haste from the most disadvantaged sections of the population, violations of humanitarian law are no longer the monopoly of the regular armed forces. Moreover, to give the message a greater impact, respect for the rules of law must be "negotiated" before armed violence breaks out. For reasons inherent in the logic of war, the impact of dissemination is inversely proportional to the rise in violence.

This means that the crucial time to ensure a minimum of humane conduct is before the outbreak of hostilities, and that the capacity to

convey the humanitarian message to those who may take up arms in a conflict, i.e. the population in general and young people in particular, is absolutely essential. The means adopted to this end include the systematic dissemination of the humanitarian message to certain target groups; reference to humanitarian values deeply rooted in the local culture so as to adapt dissemination to the local context; and, finally, efforts to develop a stronger sense of responsibility in the media and to involve National Societies to a greater extent in the task of dissemination in peacetime.

Dissemination and cooperation activities undertaken before a conflict inevitably have a preventive effect by helping to avert the outbreak of conflict. Such activities after the end of hostilities likewise help to prevent any breakdown in the peace process. Some of the most recent and remarkable new ventures have been described in this article. It is encouraging to see how they have developed and spread. Their further development and widespread implementation will require the support of the States and the active participation of the Movement's components, and are indispensable if we are to meet the challenge now presented by new types of conflict. However, besides this necessity to strive even harder before and after conflicts to prevent violations of humanitarian law, given the anarchic violence and fanaticism of conflicts of group identity, it may also be advisable to make the prevention of conflicts an explicit objective of dissemination and cooperation activities in times of relative peace.

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Action before, during and after the crisis

The experience of the ICRC in retrospect*

by **François Grunewald**

The past of the present time is our memory
The present of today lies with action
The future of the present time is imagination

I. INTRODUCTION

1. The time and the action

The international community recently realized that certain types of emergency assistance could have negative effects on the still to come development phases. In that context, a theme has been brought under the limelight: the “emergency-development continuum”, underlying the need to design the activities in time of crisis taking into account the following stages.

The hypothesis presented here tries to go a few steps further: **the relationship between an emergency and development starts long before the crisis erupts and lasts long after it has ended.**

* Article based on a study presented to the Colloquium: “Emergency — Rehabilitation — Development”. Arche de la Fraternité, Paris, 17 November 1994.

The analysis must therefore focus on four main points:

- What preventive and/or preparatory measures should be taken in times of peace?
- Emergency action: when, why and how should it be started and how should it be phased out?
- The various aspects of rehabilitation during and after the conflict.
- What should be done when peace has finally been restored and the guns fall silent (the final phase in the progression from emergency to development)?

2. A unique organization: the ICRC

It is doubtless useful to recall briefly the **unique** and often little known nature of the International Committee of the Red Cross (ICRC). Although it is a non-governmental organization, the ICRC has been entrusted with its mandates by the explicit authority of the 185 States party to the Geneva Conventions and of those States which have signed the Additional Protocols of 1977. Furthermore, the ICRC is part of a much broader “family”, the International Red Cross and Red Crescent Movement, which is composed of the ICRC, the National Red Cross and Red Crescent Societies, and their Federation. Of the members of this family, the ICRC plays a special role in the event of conflict. This international Movement is governed by a clear and specific ethical code based on the set of **Fundamental Principles** it has adopted, the most important of which are humanity, neutrality, impartiality, independence and universality. For 150 years, the ICRC’s *raison d’être* has been the protection of war victims, and relief work is one facet of this task.

3. Societies disrupted by conflict

The wars waged in today’s world seek to undermine established structures and values, often attained through arduous endeavour. A few air raids or artillery attacks, a rumble of tanks, an exchange of gunfire or knifings, and nothing is left but rack and ruin. Until the mid-1980s, things were fairly simple: there were the soldiers, and there were civilians. Since then the rules seem to have disappeared. All kill and are killed without distinction. We seem to have reverted to the old style of warfare that prevailed before the coming of the nation state: one human being kills another simply because he is different; and the goal is destruction not

victory. Conflicts arising from political and ethnic differences, with clan-nish and mafia-like overtones, are starting to outnumber those waged on ideological and geopolitical grounds. Societies have become "war prone". What action can be taken in the light of these new circumstances?

II. PREVENTIVE AND PREPARATORY ACTION BEFORE DISASTERS ARISE

1. Preventing the crisis: The risks of ill-conceived development

Both in the North and in the South and in the East, ailing economies are one of the main factors heightening the risk of confrontation, for they undermine the respective country's capacity for disaster prevention and disaster response. With very few exceptions, the situation has worsened nearly everywhere: the standard of living has declined, plunging ever larger segments of the population below the poverty line; demographic growth, which increases the pressure on the environment, causes conditions of production in rural areas to deteriorate still further and speeds up (often uncontrolled or virtually uncontrolled) urbanization, heightens pressure on increasingly fragile ecosystems, aggravates friction between farmers and nomads and exacerbates the risk of ethnic and political strife.

Under the influence of the World Bank, structural adjustment programmes are streamlining administrative systems. Though necessary, this process unfortunately does not go hand in hand with improved public services, on the contrary. The first cutbacks are made in social welfare, health and educational facilities ... and also disaster prevention and preparedness! What comes next? Growing poverty is conducive to crime and breeds insecurity, violence and all forms of hatred. This hatred is then channelled into ultra-nationalistic, fanatical, tribal and fundamentalist movements, triggering a vicious circle of revolt and repression. The small-scale geostrategic clashes that accompanied the Cold War have been succeeded by a multiplicity of conflicts resulting from ill-conceived development. All too often, the only response to this worldwide crisis is to provide "emergency ward" treatment in the form of maize as food aid and increasingly explosive combinations of "military-political-humanitarian" diplomacy.

Under these circumstances, National Red Cross and Red Crescent Societies in many countries are trying to support certain vital services by engaging in development activities, organizing community help for the disadvantaged, setting up blood banks, AIDS prevention campaigns, youth group activities, etc., and thereby helping to promote positive socio-economic development.

2. Certain development strategies increase vulnerability

Certain factors inevitably reduce the available per capita resources (whether they are renewable or not). One such factor is demographic growth, which creates disparities and heightens the risk of conflict. Some development policies unfortunately have similar results and, moreover, weaken the whole system, leaving it unable to cope with crises. The ICRC has observed the often disastrous effects of such policies in the course of many conflicts and crises, as illustrated by the following examples.

- ***Development strategies which increase farmers' vulnerability in terms of food***

1980, Upper Casamance (Senegal): Drought had struck again. The Mandingo farmers had hardly any food stocks left. They had adopted the "all cotton extension programme" advocated by the cotton company on over 70% of their land. In the same region the Toucouleur minority, who had become settled only a short time before, had been far less receptive to the enticements of the "grow cotton" campaign. They had agreed to plant a small amount of cotton, but their staple crops came first. As a result, their stores were still half full! If the current crisis in Lower Casamance were to spread to Tambacounda, the majority groups would find themselves short of food, while the ethnic minority would experience no immediate need. What consequences could such an imbalance have?

- ***Forced development campaigns with catastrophic results***

Nampula (Mozambique), early 1992/1993: The economic reforms which followed the signing of the peace accord opened the way for ever greater liberalism. Powerful trading companies reverted to methods used during colonial times: forcible planting of large areas with cash crops (more cotton), bans on felling cashew trees (cashew nuts), virtually compulsory limits on the cultivation of staple crops (cereals or legumes). The only feasible crop left was cassava with its long productive cycle

(8-12 months), its ability to grow in the shade of fruit trees and its low nutritional value. In such conditions, this policy led to malnutrition, kwashiorkor and disinvestment in a rural economy already reeling from a decade of civil war, and continues to do so. How will this situation affect the stability of a country just emerging from civil war.

- *Ecologically disastrous development policies*

The case of the trans-Amazonian highways and the agricultural concessions bordering them are well known. One of the earth's "green lungs" has been consigned to the huge land owners' bulldozers and cattle herds while the indigenous peoples, the Indians, are being mown down by private militias. One day, these Indians or their offspring, if any of them survive, may themselves take up machetes or kalashnikovs, the modern equivalent of the traditional blowpipes and poison arrows.

- *Development options resulting in extreme economic dependence*

The vast cotton fields in certain countries of the former Soviet Union give rise to several questions. The first relates to the environmental cost of such production units (the drying up of the Aral Sea, the spraying of often very toxic products from the air, etc.). The second challenges the viability of such set-ups once the centralized, planned economy which typified the Soviet Union has disappeared. Production takes place in one area, processing in a second, food supplies come from a third. What happens when a political rift or, worse yet, a front line cuts the cotton-producing region off from its markets and its sources of food?

3. Action during peacetime to change behaviour

In these high-risk situations, humanitarian reflexes must be created which will come into play whenever a crisis breaks out. The ICRC, in conjunction with the other components of the Red Cross and Red Crescent Movement, strives to remind the various groups involved (be they regular armed forces or guerrilla groups) of their duties and responsibilities as codified in international humanitarian law (Geneva Conventions of 1949, Additional Protocols of 1977). A host of experts, equipped with an entire range of texts and instructional materials, have been deployed on the four continents currently affected by crises and hold courses for thousands of men-at-arms every year. This activity, known as "**Dissemination**", is essential, for it is our only means of trying to prevent the irreparable from

occurring. Indeed, every possible step must be taken to prevent those acts and atrocities from being committed in times of war that would ruin any attempt at reconciliation and sabotage any effort to negotiate. The memories lingering from the hours of war may sometimes determine whether or not peace can be successfully restored.

To what avail is such work? After seeing what took place in Rwanda, Liberia or the former Yugoslavia, that is a valid question. Yet on each occasion, in the midst of horror, a few small glimmers of humanity have shown us that our efforts were not all in vain. Delegates and ambulances were able to cross front lines, the wounded were no longer summarily executed, prisoners received visits and had their names recorded, ill-treatment ceased in prisons, food was delivered in the middle of a combat zone — small gestures brought **light into the darkness**.

4. Providing training to cope with crises

One of the liveliest debates today in the development forum is focused on grassroots participation at every stage of the development process, from identification to evaluation and naturally implementation. In terms of emergency action, this same approach has been much slower. How often have teams with their white uniforms and stethoscopes descended upon astonished villages and attempted to go about their work while ignoring the human and social resources already on hand? To reverse this trend, we must first decide to train men and women among the civilian population to cope with disasters. In cooperation with a number of National Societies and their Federation, the ICRC has developed a comprehensive strategy to train aid workers and emergency personnel. But much still remains to be done.

Other leading organizations are also working in the field of disaster prevention and forecasting. The activities of international institutions such as the Asian Centre for Disaster Preparedness, UNDRO and the Department of Humanitarian Affairs (DHA) working in connection with the United Nations Decade for the Prevention of Natural Disasters should be stepped up. NGOs, both in the North and in the South, have a crucial role to play in this race against the clock to stop the deadly spread of crises.

The International Red Cross and Red Crescent Movement must in any case continue to concentrate on damage control by training men and women in disaster prevention and management, whether natural disasters

(which are the Federation's domain) or conflict-related (the ICRC's sphere of action).

5. For an operational information policy on potential crises

One of the key elements in disaster prevention and efficient intervention (preparation of the necessary means and staff) is the information available about "high-risk" situations. **How many mistakes have been made for the simple reason that the people concerned "did not know".**

General and specialized maps, reports, lists of stocks and ethno-sociological data should be readily available for the emergency teams. By setting up these data banks during development programmes, any necessary emergency action (which must be linked to subsequent rehabilitation) would be considerably improved. There are virtually no situations in the world today about which nothing has been written. The problem is finding this information when one has to leave in haste for an unfamiliar country with a different culture and climate. Much preparation has yet to be done to give easy access to this information, a task which fortunately is facilitated by the progress in communications and information technology (INTERNET system, etc.).

6. Prompt detection of crises: Early Warning Systems (EWS)

Those who have been fortunate enough to be involved in setting up and monitoring early warning systems are aware of their obvious benefits, but they also know their limitations. There are at present several systems operating at different levels. The global system adopted by the Food and Agriculture Organization (FAO) covers the entire world. The Famine Early Warning System (FEWS) of the United States Agency for International Development (USAID) operates on a regional scale. Others have a country-wide or sometimes only a local range. Some of these systems use data mainly provided by satellites, while others take in only climatological and agronomical data. The most effective ones are probably those based on a combination of specialized fields including the social sciences, in particular price curve analysis and economic phenomena such as abnormal sales of livestock or other exceptional activities. Some focus

on one subject, especially those designed for the anti-locust (acridian) campaign. If properly operated, the large-scale FEWS or FAO system or the anti-locust networks are extremely useful in charting overall trends and signalling a shift to orange and/or red alert.

These systems, however, are rarely operational at the very local level and are often hindered by a lack of local parameters. Only specifically-designed studies can produce the database indispensable for the setting up of effective early warning systems. Furthermore, there must be adequate means available to launch such studies, the appropriate methods to put them into effect and the capacity to make use of them. A few NGOs have attempted to do so, but their efforts have yet to be evaluated.

It is relatively costly to set up and operate these national or local early warning systems, and they do not "pay off" immediately. Only a disaster can show whether the EWS has worked well by providing a timely warning which enabled effective action to be taken so that worse consequences were avoided. Such smaller-scale early warning systems are truly a field to which development planners and donors should devote greater attention.

Besides having regular access to the above-mentioned major early warning systems, the ICRC has its own EWS. It consists of a network of regional delegations, one of whose tasks is to keep up a constant watch for incipient crises throughout the world, and is based on constantly checking which vulnerable areas (fragile economies and precarious food supplies) coincide with high-risk areas (geopolitical factors, internecine friction).

7. Rapid response: strategies to build up emergency reserves

Early warning systems are worthwhile only if the "early warning" actually gives rise to a "rapid response".

Food aid can be provided in several ways, ranging from imports in the course of major relief operations launched by the World Food Programme, the European Union or USAID to the transfer of buffer stocks set up by regional bodies (Club of the Sahel, Southern African Development Coordination Conference, etc.) in combination with/or by means of counterpart funding. For the time being, the establishment of regional buffer stocks is hindered by both technical (perishable foodstuffs, inad-

equate storage conditions) and economic problems. Storage costs are indeed high, as illustrated by the European Community's difficulties with its own surpluses.

The availability of food aid is unfortunately still largely determined by political contingencies. Timely warnings have been given of countless incipient disasters, yet a tardy response came only when public opinion was stirred to action by the appalling scenes shown on television: Ethiopia in 1983-1984; Somalia in 1992, etc. In some forgotten conflicts, when political considerations or lack of interest outweighed the right to emergency food aid, there was simply no response at all.

III. WHAT ACTION IS MOST NEEDED IN THE MIDST OF HORROR?

1. The spectre of famine

In ever larger areas, economic progress is being reversed by tensions and conflict. War destroys the infrastructure, disrupts services, cuts off markets from their suppliers. Worse yet, crops are sometimes burnt or looted by men-at-arms or great numbers of people displaced by conflicts. The fields may not even have been tilled or sown if the area was too unsafe or military action resumed in the area during the usual farming season. Seed reserves have been destroyed or used as food in a last effort to ward off starvation. Herds have been slaughtered, die in epidemics or are cut off from their traditional grazing lands. Food from traditional alternative sources is no longer available. The slightest climatic setback then signals the end. In extreme cases, it results in famine and long columns of rural inhabitants trudging towards towns, refugee camps or food distribution sites.

The conventional, and often indispensable, response to nutritional problems is food aid paired with medical assistance. In the last 15 years, the ICRC has assembled millions of tonnes of foodstuffs and distributed them to millions of war victims: such were the large-scale operations on the Khmer-Thai border from 1979/1981; those in Ethiopia in 1985/1986; in Angola and the Sudan in 1986/1991 and again in 1993/1994; in Somalia in 1991/1993; in Mozambique in 1992/1993, in Rwanda from 1992 to 1994; not forgetting the former Yugoslavia, Liberia, the Caucasus, etc.

Food aid, however, has its limits and itself carries certain dangers also often observed by the ICRC in the field. Among the detrimental effects of food aid the following should be noted:

- the emergence of a chronic dependence on aid whenever there are large-scale and long-lasting food distributions;
- the tendency of the population to incorporate food aid, and free assistance in general, in their strategies for survival. This often leads to a drain on emergency food reserves. The farmers become used to receiving aid to offset the vagaries of climate and other crisis factors;
- the lowering of incentives to resume agricultural production owing to the fall in commodity prices induced by the massive arrival of free foodstuffs.

Programmes must be set up which enable victims to stay alive today and to survive tomorrow. The ICRC has developed a special tool to assess the needs and most suitable means of achieving this: **pluridisciplinary teams composed of nurses, nutritionists, agronomists, sanitary engineers, logistics experts and delegates specialized in several fields**. The specific role of the latter is to analyse the problems involved in the protection of certain categories of victims who are of particular concern to the ICRC: prisoners of war, security detainees, etc.

The approach adopted by ICRC nutritionists and agronomists is based on a simple premise: malnutrition results from lack of access to food. To wait until malnutrition can be detected by the classic anthropometric indicators (weight/height, weight/age, etc.) generally means arriving too late. At one point, and particularly when help is slow in coming, the only option left is to set up a large-scale operation entailing generalized distributions and special centres for supplementary and therapeutic feeding. Food programmes, though useful and necessary, provide only unsatisfactory solutions to food crises.

2. Emergency rehabilitation in times of war: A glimmer of hope

Action plans resulting from surveys by multidisciplinary teams of agronomists and nutritionists and put into effect at the height of the emergency, alongside the provision of food aid, will lay the foundations for rehabilitation. In some programmes, by enabling farmers to stay on their land, food aid becomes an integral part of the rehabilitation policy.

The ICRC will try to detect as early as possible the potential food supply problems even in the midst of battle. It must then attempt to tackle the causes of a foreseeable famine and help people start up production again despite security constraints. Relief strategy is often based on the provision of coordinated food aid ("stay alive today") combined with support in resuming production ("survive tomorrow"). Experience in Somalia, the Sudan, Mozambique, Angola, Rwanda, Liberia and Yugoslavia has shown us just how effective this approach is.

The same reasoning also applies in other areas. By repairing the water conduits of encircled towns, sinking wells in areas where water sources have been destroyed by passing tanks and sending medicines to public health facilities cut off by battle lines, some hope can be restored even before the gunfire has ceased. Without this aid, the population would have no alternative but to flee or die.

IV. MAKING THE WASTELANDS OF WAR GROW GREEN AGAIN: AIMS AND METHODS OF REHABILITATION

1. Philosophy of emergency rehabilitation

The twofold approach of "food aid/emergency agricultural rehabilitation" can have a preventive effect or at least limit the damage. The aims of emergency agricultural rehabilitation are:

- **to prevent or limit damage** (this is the "care and maintenance" principle, applied not to individuals but to the productive capacity of rural societies);
- **to hasten the return to productive capacity** after a period of rapid disinvestment in rural economies hard hit by war;
- **to help restore reliable food supply networks**, particularly by facilitating the renewal of food reserves and of emergency seed banks;
- **to restore producers' dignity**, which may have suffered during the often long and humiliating wait at food distribution sites.

Since conflicts are tending to drag on more and more, the concept of "conflict-related emergency" is being or should be replaced by a different notion: support for the survival strategies of people enduring prolonged wars. The decades of clashes in Angola and the Sudan and the years of destruction and economic paralysis in the former Yugoslavia demand more than food aid or even mere seed distribution. How, for example, can the food derived from animal husbandry be replaced in an agro-pastoral society that has lost all its livestock? There is still much to be thought up, experimented with or tested in actual conditions.

2. A key concept: support for survival strategies

Most societies have developed in conditions that were precarious in every respect. Unfavourable weather conditions, haphazard food supplies, unstable relationships with other communities, etc. Ingenious mechanisms have had to be devised to reduce risks and manage crises. Societies and groups which failed to do so have perished. The ICRC's task is to bolster such mechanisms either during or at the end of the crisis. The few examples given below will illustrate this point.

The Sudan

In the rigorous conditions of the White Nile basin, the survival strategies of the Dinka and Nuer peoples are based on five traditional activities: animal husbandry, agriculture, gathering, fishing, and trading; food aid must now be added to this list. These coping mechanisms in an inhospitable environment require comprehensive management of vast sparsely inhabited areas. The large concentrations of people at the food distribution points mean that people are sometimes cut off for long periods of time from their own lands and sources of food and their vulnerability is increased. As early as 1988, the ICRC decided to reinforce the productive capacities of the southern Sudanese people by launching a large-scale veterinary programme. This strategy, renewed in 1993, has proved very worthwhile.

Somalia

The war has had a particular effect on the food supply of this country, with its very diversified agro-ecological systems ranging from purely nomadic herding to essentially agrarian systems and including multiple

combinations of agriculture, animal husbandry and fishing. From the outset of the conflict, the ICRC has approached the problem by recognizing this diversity. In grazing areas, it has taken measures to protect surviving herds from the major endemic diseases and boost their productivity; in the less arid south, it has distributed seed and farming implements. Finally, along the coast and rivers, the ICRC has supplied fishing villages with hooks and lines.

Mozambique

In Mozambique, we discovered the local people's lore of edible wild plants. These plants are the key to their survival in hard times but they are not inexhaustible. They too must have the chance to grow again. Food and agricultural assistance save these forest products from depletion by over-use. They are thus conserved during the season when the areas concerned are easily accessible and remain available for use during the rainy season or if the conflict flares up anew, making aid deliveries problematic again.

Eastern Europe

While the ICRC now has considerable experience in supporting survival strategies in tropical areas, there is still much to be learnt about conflict situations in "developed" countries. Nevertheless, over the past two years, the ICRC has gained a certain expertise in the former Yugoslavia and in the countries of the former Soviet Union where lifestyles and production methods often closely resemble our own. Programmes have been set up to assist agriculture but also to stimulate production units. In this specific instance, experience has shown that it is essential for the ICRC to continue to be perceived as neutral by all the parties concerned.

Conclusion

The key to the success of emergency agricultural rehabilitation programmes is dictated by their specific nature. Since they are set up under crisis conditions, they can seldom benefit by the classic support systems for agricultural extension campaigns that give ongoing advice on their implementation and familiarize the population with the methods used. From the very beginning, these programmes must therefore make use of

local know-how and traditional practices, adopting varied strategies to take local diversity into adequate account. In order to follow closely these peasant farmers' traditional strategies, with their geographical differences and adaptability to the unpredictable, a soundly based analysis of them is needed. Emergency workers and development experts should meet and share views on the appropriate methods for such an analysis.

V. RISING FROM THE ASHES: POST-DISASTER DEVELOPMENT

1. Past crises and future weaknesses

The link that exists between poverty, war and vulnerability is already well known. Everyone is not equal in the face of adversity, and crises further accentuate the disparities. It is very likely that we will again see the ravages of growing inequality, of rampant poverty and the unchecked extraction of mineral resources, further devastating a natural environment already deeply scarred by conflict and its consequences (for instance, huge numbers of displaced people have totally deforested south-west Rwanda and the Goma region in Zaire).

The aftermath of crises is a time of incredible social creativity, redistributing the cards in ways that would previously have been unthinkable. However, these exceptionally promising moments may also simply result in chaos, crime, waste and the perpetration of gross injustice — all conditions conducive to a renewed crisis. Those who wish to help these devastated areas and their traumatized peoples to get back on their feet must demonstrate unwavering vigilance and generosity.

That same period is also a crucial one for the International Red Cross and Red Crescent Movement: it is a time to forge a spirit of and capacity for humanitarian action within a community whose wounds are still open; a time to forget hate while remembering the beneficial work of Red Cross volunteers during the conflict; to rebuild a world in which the phrase "mutual aid" has a meaning, bringing to mind those who hastened beneath heavy fire to rescue the wounded from either side; a time to restore village communities and instil a spirit of solidarity by participation in projects such as those undertaken by the ICRC in the darkest hours.

2. For “emergency” personnel, planning the withdrawal and training others to take over

A number of leading organizations, like OXFAM, have both specialized emergency departments and other departments engaged in long-term action. If funds do not dry up when the crisis ends and media attention shifts elsewhere, these institutions can make a smooth transition from the “emergency” phase to rehabilitation and development activities.

The ICRC’s mandate is restrictive since it applies essentially to the period of conflict. Fortunately, many conflicts have a “happy” ending, namely peace, which usually leads to a withdrawal of the “emergency” personnel. Partners must then be found to take over the emergency rehabilitation activities and transform them into development projects with their specific methods and objectives.

There are several possible scenarios:

- *The situation favoured by the ICRC:* the country’s own National Society decides to take over these activities (either alone or with the help of the Federation). In this way it has been possible to adapt programmes started during the war — medical and social work, dissemination of international humanitarian law, tracing of families separated by the conflict, etc. — to development needs and ensure that they were continued.
- *A rare situation:* the national ministries decide to take over and run the programmes themselves. Since peace has returned, the ministries and their provincial representatives theoretically can travel throughout the country (which was not always possible during the conflict and had led the ICRC to assume the role of a neutral and independent intermediary).
- *The most common situation:* an NGO or occasionally a United Nations agency is interested in taking over a programme or a specific region.

Replacing the ICRC by another organization often proves difficult, for mutual trust must be established between that organization and the people before it can step in. And things do not necessarily go smoothly simply because the ICRC has been able to donate equipment for the initial months of the NGO’s operation. Experience has therefore led us to adopt the idea of a transitional “**induction**” period during which the National Society or NGO concerned works for a time under the guidance of the ICRC in order to get to know the situation and meet its partners. This approach

has been successfully tried out in Somalia and Mozambique and the ICRC intends to continue it.

The National Red Cross and Red Crescent Societies are often the only quasi non-governmental bodies in civil society, in the absence of a true network of non governmental organizations, which is usually non-existent or in its infancy. Their role is all the more essential in the post-conflict period. In view of the challenges, but also of the limited absorption capacity of most of the National Societies, one could see the importance of a dynamic policy to develop these other components of the Movement. This should take place during peace time, and it is there that the role of the International Federation of Red Cross and Red Crescent Societies has a crucial role. Strategies to develop National Societies in the middle of the conflicts have still to be further elaborated. The ICRC, alongside with the other components of the Movement, should pursue its efforts in that direction.

VI. LOOKING AHEAD: A WORLD AT RISK

1. A comprehensive strategic approach must be found

It is often depressing to glance at the newspaper or watch the TV news every day. It is becoming more and more evident on this crisis-stricken planet of ours that there is a space-time continuum, starting well before the crisis breaks and lasting long after it is over. We are beginning to recognize clearly the determining factors that make it better or worse. We also have become very familiar with the catalysts of peace and the sources of conflict and know how hard it is to build peace on the ruins and hatred left by war.

The diagnostic means devised by development specialists, the insight gained into the varying forms and degrees of vulnerability resulting from emergency operations, and the peaceful tool of international humanitarian law can and must be used.

To sum up, the "emergency-development" continuum can be represented as follows, juxtaposing the working methods of institutions such as the United Nations Organization or NGOs and those of the ICRC.

THE "EMERGENCY-DEVELOPMENT" CONTINUUM

	Phase	Activities within a more general framework (UN, NGOs)	Activities of the components of the Movement
1	Development	Programmes for socio-economic development Disaster prevention — Disaster preparedness (analysis of factors rendering systems vulnerable, preparation of databases, creation of buffer stocks) Installation of early warning systems	Disseminate knowledge of IHL (in advance, in times of peace) Identify databases and prepare data summaries Develop the capacity of National Red Cross and Red Crescent Societies to conduct these activities Prepare for emergencies (training, set up logistic infrastructures, etc.) Analyse risk factors, monitor situations via the network of regional delegations.
2	Early warning	Certain indicators show red alert	Sound the warning: send an evaluation team
3	Emergency	Assess the situation Prepare UN Consolidated Appeals Mobilize resources Start emergency operations	Start preventive action, emergency programmes and emergency rehabilitation Disseminate knowledge of IHL (with greater immediacy, in the heat of battle) Mobilize resources
4	Rehabilitation	Mobilize resources Set up rehabilitation activities	Start rehabilitation Seek partners to take over programmes and transform them into "development activities".
5	Development	Resume development and reconstruction projects	Programmes taken over either by a National Society with help from the Federation or by an NGO and attention gradually transferred to development problems.

2. The big challenges

The ICRC has at its disposal an entire range of skills, information and impressive relay systems whose potential is doubtless not yet fully utilized. Many of the subjects raised above should be developed in greater detail, from both the theoretical and the operational points of view. There are several areas that merit joint reflection and action.

(a) The time factor

Farmers in France often say: *“il faut se faire un allié du temps”* (you must make an ally of time/weather). The dual meaning of the word *“temps”* is used to say that the weather determines the time when they can or must do their work, and that both weather and time must be put to the best possible use. A large part of the “emergency and development” issue is linked to the question of time. The contrast between “doing things fast and well” or “doing things fast OR doing them well” is one such question. “Doing things in time”, and therefore “being forewarned and forearmed/prepared” is another. Lastly, there is the question of the “durability” once the emergency is over, or what is termed in English the “sustainability”, of activities begun during the emergency period.

(b) Use of local human resources

There is now a growing realization of the fact that, even in emergencies, nothing can really be achieved without the consent or participation of the population concerned. To send in emergency teams without relying on the local people and their skills often results, at best, in rather a mess and at worst in disastrous mistakes. It is often on this point that the “emergency” approach diverges most widely from the “development” approach. Yet a crucial link between emergencies and subsequent development can be found in improved human resource management and recourse to traditional knowledge and local skills. The strength of the ICRC in conflict situations lies in its clear-cut mandate and the network of National Red Cross and Red Crescent Societies upon which it can call.

(c) Investing in the collection of information

Improved knowledge means superior planning, earlier warning and more effective action. Much work remains to be done in the collection, processing, and summarizing of the necessary information on the hot spots (past, present and future) around the globe. For example, all the urban

problems with humanitarian implications in the mammoth cities in the South are uncharted territory to us.

(d) A four-fold approach: presence/dissemination/protection/assistance

While the link between assistance and protection is now fully recognized, the complete formula for the aforesaid possible approach — both as a whole and its application over time, i.e. before, during and after the crises — is less clearly understood.

That is perhaps one of the challenges for the years to come, for the ICRC in particular, and for the International Red Cross and Red Crescent Movement in general.

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The 125th anniversary of the
International Review of the Red Cross
*A FAITHFUL RECORD**

II. VICTORIES OF THE LAW

by Jacques Meurant

From a strictly legal standpoint a veritable law of humanity has been created, whereby the integrity and dignity of the individual are protected in the name of a moral principle that transcends the boundaries of national law or politics.

Max Huber

*Le droit des gens et l'humanité*¹

1. Law, time and morality

The first issue of the *Bulletin international des Sociétés de secours aux militaires blessés* (October 1969) contains an appeal by the International Committee for ratification of the Articles of 1868 additional to the 1864 Geneva Convention. It is addressed to the Central Committees of the Relief Societies, with the request that they approach their respective governments on the matter.² By the same token, the Committee proposed

* Part I of this article, "Protection and Assistance", appeared in the *International Review of the Red Cross (IRRC)*, No. 303, November-December 1994, pp. 532-541.

¹ *Revue internationale de la Croix-Rouge (RICR)*, No. 404, August 1952, pp. 646-669, at p. 666.

² "Ratification des articles additionnels à la Convention de Genève", pp. 6-7.

as recommended reading the work by Gustave Moynier, *Etude sur la Convention de Genève*,³ which was described as a guide for use by army officers and doctors to give them a better understanding of the provisions of the 1864 Convention, "to refute the objections of its detractors and, by demonstrating that this instrument represents a victory for civilization, to turn them into zealous supporters".⁴ In the second issue of the *Bulletin* (January 1870), the Committee asked the Central Committees to what extent States had promulgated penal or other legislation and military ordinances or regulations relating to the stipulations of the Geneva Convention or action by relief societies.⁵

One hundred and twenty-five years later, the *Review* still reflects the same matters of concern to the ICRC. It still makes exactly the same type of appeal and reports on similar action, in order to ensure that what we now refer to as "international humanitarian law applicable in armed conflicts" still lives and breathes, and that it is understood and disseminated and hence increasingly observed.⁶ Indeed, ever since its creation the *Review* has been telling the story of the never-ending quest for what Gustave Moynier referred to as "the gradual mellowing of the law of war".⁷ It is a story about the wide range of initiatives taken by the ICRC in accordance with its mandate,⁸ about a wealth of research, studies, and representations made to governments, and about numerous expert consultations both within the International Red Cross and Red Crescent Movement and outside it. It is a long litany of proposals that have been accepted and then amended, of projects that have been aborted and then reinstated, and of concessions made at innumerable conferences and preparatory meetings.

³ Gustave Moynier, *Etude sur la Convention de Genève*, Librairie Joël Cherbuliez, Paris, 1870, 376 pp.

⁴ *Ibid.*, p. 10.

⁵ "Questions adressées aux Comités centraux", pp. 62-64.

⁶ Over time, the *Review* has gradually specialized in humanitarian law, and is probably the only multilingual, international journal to deal with this body of law on a regular basis. However, it is encouraging to note that in recent years National Societies and academic institutions have launched international reviews on humanitarian law, sometimes jointly. Furthermore, an increasing number of international and national reviews on public international law are giving wider coverage to humanitarian law and humanitarian activities.

⁷ Gustave Moynier, *op. cit.*, p. 19.

⁸ See Article 5, paras. 2 and 3, of the Statutes of the International Red Cross and Red Crescent Movement, and Article 4, paras. 1 and 2, of the Statutes of the ICRC (of 20 January 1988). Furthermore, Article 3 of the ICRC Statutes of 10 March 1921 had already stipulated that the goal of the ICRC was to coordinate efforts to relieve the victims of war, sickness and civil disaster.

Readers interested in tracing the evolution of humanitarian law through the *Review* will notice at once that, as with other branches of international law, humanitarian law is remarkable for its complex relationship with time, not as an abstract phenomenon but as a gauge of human attitudes and convictions. With time, *de facto* situations acquire the force of law; this is how custom and written law came about, with the law constantly striving to keep pace with the facts.

As Jean Pictet observed in 1966, "the law is always lagging behind the logical and moral interpretation of social facts. It therefore tends to complete and improve itself the better to comply with what is required of it".⁹ As regards humanitarian law, an extraordinary law which applies in extraordinary situations, the struggle to keep up with events takes on tragic proportions, for the stakes are none other than protection of the individual and respect for his or her dignity in situations of armed conflict. In truth, political and military considerations have always posed a challenge for the law, and to a certain degree have forced it to adapt and evolve. It is a well-known fact that the 1929 Geneva Convention relative to the Treatment of Prisoners of War resulted directly from the dreadful experiences of the war of 1914-1918. And the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War resulted from the boundless suffering endured by millions of civilians during the Second World War.

The ultimate goal of humanitarian law, which engages the responsibility of the State, is to protect the individual. Here again, it took decades for humanitarian law to succeed in giving the individual primacy over State sovereignty. And it was 85 years before the protection afforded to wounded and sick combatants and medical personnel by the 1864 Geneva Convention was extended by the Fourth Geneva Convention of 1949 to the civilian population. But the adoption of Article 3 common to the Geneva Conventions must be seen as major breakthrough. In the words of Max Huber, this "humanitarian iron ration"¹⁰ at all times affords minimum guarantees to individuals, even vis-à-vis the authorities of their own countries of origin.

The originality of humanitarian law lies in the fact that it bridges two different types of concept — one judicial, the other moral. In addition to

⁹ Jean Pictet, "The principles of international humanitarian law", *IRRC*, No. 66, September 1966, p. 462.

¹⁰ Max Huber, "Le droit des gens et l'humanité", *op. cit.*, p. 666.

striking a compromise between military imperatives and humanitarian obligations, humanitarian law has a very special moral dimension in that it preserves a measure of humanity in the heart of violence. This is exactly what Henry Dunant and the other founders of the Red Cross were calling for. As former ICRC member Edmond Boissier wrote: "Greatest credit goes to the founders of the Red Cross for having introduced into relations between all States in the event of war the recognition of a moral principle, and for having incorporated this principle in international law and in practice by means of a universally respected and generally observed convention."¹¹

Gustave Moynier¹² was the father of a long line of ICRC jurists and thinkers who over the years have built up the present sound structure of humanitarian law. The *Review* has been privileged to record their reflections and their initiatives. Members or staff of the ICRC, they have journeyed through the past 125 years with the fervour of pioneers. Like master craftsmen, they did and still do take pride in a job well done. They had and still have the strength to see their job through to the end, and the capacity to adapt constantly to the times. They have also understood that law is not made in diplomatic circles or universities alone, but is enriched by the experience of practitioners in touch with reality, delegates out in the field or members of National Red Cross and Red Crescent Societies.

Their contribution to the development of the law and their efforts to introduce a measure of morality into conflicts must be duly recognized.

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The period 1969-1994 is particularly noteworthy since during those 25 years great progress was made in the field of humanitarian law. The years 1969 to 1977 were a time of intense preparation and negotiation which culminated, with the adoption on 8 June 1977 of the Protocols additional to the Geneva Conventions, in the reaffirmation and development of humanitarian law applicable in armed conflicts.

¹¹ Edmond Boissier, "Morale internationale et Croix-Rouge", *RICR*, No. 249, May 1923, p. 449.

¹² Gustave Moynier was President of the International Committee from 1864 to 1910. He was also the *Bulletin's* first editor, a position he held until 1898.

The following year saw the start of a fresh era, in which the new law was actively promoted and disseminated and efforts were made to explain and interpret the new provisions. That era continues to the present day, but in the late 1980s the problems caused by an upsurge in all forms of violence and in breaches of the law made it imperative to take measures to uphold the existing law and to make certain innovations.

This was the conclusion reached by the International Conference for the Protection of War Victims held in Geneva from 30 August to 1 September 1993. The Conference marked the start of a new phase that is primarily focused on a more rigorous application of humanitarian law.

At each successive stage, the *Review* has kept a record of developments in the law, while at the same time helping to clarify, explain and spread knowledge of its provisions.

2. Reaffirming and developing the law

By the end of the 1960s the Movement's components and the United Nations alike were facing a plethora of conflicts, many of them internal, and new types of players, such as national liberation movements. In particular, they were faced with horrendous suffering among the civilian population as indiscriminate bombing and new lethal weapons claimed increasing numbers of victims. They thus became aware of the need not only to reaffirm the existing humanitarian rules relating to armed conflicts, but also to adapt the law to these new situations.

To mention but a few points, the law of The Hague — which had been neglected for some 50 years — and the law of Geneva could certainly no longer be dissociated. The bombing of the city of Dresden made a deep impression on the collective memory, and the recent ceremonies marking its fiftieth anniversary serve as an opportune reminder that 24 million civilians died in the Second World War, one and a half million of them in air raids. As Jean Pictet pointed out, "It is realized now, somewhat late, that the massive bombardments of cities did not pay from the military standpoint. Such bombardments were not justified morally, legally, or even from a practical point of view"¹³.

¹³ Jean Pictet, "The need to restore the laws and customs relating to armed conflicts", *IRRC*, No. 102, September 1969, pp. 459-483, at p. 478.

Furthermore, the limits imposed on ICRC activities in a number of conflicts during the 1960s threatened to jeopardize the organization's credibility. States parties to the Geneva Conventions contested the applicability of all or part of their provisions and refused to grant the ICRC access to prisoners, so that the organization was unable fully to discharge its functions.¹⁴

Mindful of its mandate and the duties entrusted to it by International Conferences of the Red Cross in regard to developing the law, in 1957 the ICRC began preparing a set of rules intended to limit the effects of hostilities on the civilian population and to protect it from indiscriminate attacks.

The draft rules were submitted to the 19th International Conference of the Red Cross in New Delhi in 1957. The extremely detailed text, which included a ban on atomic, bacteriological and chemical weapons, was attacked from all sides, particularly by States in possession of nuclear weapons.¹⁵ A resolution was eventually adopted inviting the ICRC to submit the draft for consideration by governments, and it subsequently sank without trace.

The United Nations, meanwhile, had not been idle. Under political pressure from newly independent States which felt that international humanitarian law was inadequate to deal with the type of campaign they had waged to gain their independence, and as other movements pursued their own struggles in Viet Nam, Mozambique, Rhodesia and South Africa, in the late 1960s the United Nations passed a series of resolutions on respect for human rights in armed conflicts. One of these was adopted in 1968 by the International Conference on Human Rights; others were adopted in 1968, 1969 and 1970 by the General Assembly. All of them provided a stimulus for the International Red Cross.

The 21st International Conference of the Red Cross, held in Istanbul in October 1969, gave a decisive impetus to this trend in its Resolution XIII on the Reaffirmation and Development of the Laws and Customs applicable in Armed Conflicts, which underlined "the necessity and the

¹⁴ See previous article in this series (note*), pp. 534-535.

¹⁵ 19th International Conference of the Red Cross, New Delhi, October-November 1957, *Proceedings concerning Draft Rules for the limitation of the dangers incurred by the civilian population in time of war*, Geneva, April 1958 (mimeographed), 199 pp. See also *IRRC*, October 1956.

urgency of reaffirming and developing humanitarian rules of international law applicable in armed conflicts of all kinds, in order to strengthen the effective protection of the fundamental rights of human beings, in keeping with the Geneva Conventions of 1949". This important decision, which the ICRC had prepared well beforehand, marked a turning-point in the history of humanitarian law over the last quarter-century.

In 1971 and 1972, the ICRC convened conferences of government experts and specialists from the National Red Cross and Red Crescent Societies representing the world's principal legal and social systems. The goal was to analyse a number of issues that Max Petitpierre, former President of the Swiss Confederation, aptly summarized in the *Review*: "The new treaty law should in particular provide civilian populations with protection against indiscriminate warfare, should prohibit certain weapons and safeguard the victims of wars, internal disorders and guerrilla warfare. The latter gives rise to some delicate problems. Who may legitimately carry out hostile acts, and against whom or what, is something which must still be defined. There must also be rules which belligerents must observe during hostilities, such as the safety of surrendering enemies; the treatment of parachute troops; looting; and blockade (bearing in mind the experience of the war in Nigeria). The chapter on supervision, reprisals and sanctions will be capital".¹⁶

Following these series of meetings, the ICRC was in a position to prepare two draft protocols; one relating to the protection of victims of international armed conflicts and the other to the protection of victims of non-international armed conflicts. These drafts were to serve as basic documents for the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, which opened in Geneva on 20 February 1974. The Conference held four sessions, the last in June 1977.

Throughout this period, the *Review* not only provided detailed accounts of the preparatory meetings and the sessions of the Diplomatic Conference (see *Bibliographical notes*, pp. 305-306 below), but also endeavoured to make a contribution by publishing pertinent studies, especially on new or sensitive issues.

For example, the issue of aggression was broached at the very beginning of the Diplomatic Conference. Some States asserted that from the

¹⁶ Max Petitpierre, "A contemporary look at the International Committee of the Red Cross", *IRRC*, No. 119, February 1971, pp. 63-81.

legal and the moral standpoint it is wrong for the aggressor and the State attacked to find themselves on the same footing with regard to the laws and customs of war because acts of war committed by an aggressor State are, *ipso facto*, illegal; those who commit them deliberately put themselves outside the law and should therefore be punished.

Statements like these undermine the entire structure of humanitarian law and it took all the persuasive powers of the ICRC representatives, supported by other delegates, to convince the participants that, "while the Conventions take the form of agreements between States, they are above all a declaration of the rights of the individual vis-à-vis the arbitrary acts of the enemy; moreover, they were drawn up in the interests of individuals rather than governments".¹⁷

Another question widely discussed in the *Review* is the scope of application of Protocol I, which encompasses "armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination...". The provisions relating to this third type of conflict, which the ICRC had categorized as non-international, were transferred to Protocol I during the first session. The issue was the subject of a lengthy and arduous debate, which caused considerable apprehension among those who feared that the law might end up distinguishing between several types of conflicts, combatants and civilian victims, with some enjoying better protection than others. Did this signify a return to the concept of a "just war", thereby threatening the outcome of the Conference?

These fears were overcome, however, and Article 1, para. 4, was finally adopted by a large majority, prompted, in fact, by quite different motives. There were those who considered that the provision was of a transitory nature and would apply merely in the very few cases where colonialism or foreign domination still existed. For others, this new category of armed conflict was of a permanent nature, and the list of such conflicts was by no means limited to those currently taking place in the world.¹⁸ It is ironic that the former argument won the day, since no movement has ever referred to Article 1, para. 4, since the Protocols were adopted! On the other hand, it is regrettable that this new article caused States — and powerful ones at that — to refuse to become party to the Protocols.

¹⁷ Claude Pilloud, "The concept of international armed conflict: further outlook", *IRRC*, No. 166, January 1975, pp. 7-16, at p. 9.

¹⁸ Claude Pilloud, *ibid.*, p. 13.

Another controversial issue was the status of combatants, particularly guerrilla fighters. The *Review* has published numerous legal and historical studies on guerrilla warfare since the end of the First World War. Since the 1960s, this formerly exceptional type of warfare has become the norm, yet very little progress has been made in the provisions relating to the status of guerrillas. Admittedly, Article 3 common to the Geneva Conventions prohibits the summary executions that were once the lot of captured guerrilla fighters, and *ad hoc* agreements have been reached between parties on the treatment of such prisoners. Nonetheless, there was a need for regulations such as those proposed by the ICRC in 1971 at the First Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law. "It would be advisable for [States] to convince themselves, by means of careful historical study, of the urgent need to reach a solution which may safeguard the essential rights of the human person — even if he is the worst criminal — and their overriding political needs. There can be no doubt that the humane treatment of prisoners entails considerable advantages, not only from the standpoint of reciprocity (and sometimes even without reciprocity), but also for a return to domestic and international peace".¹⁹

The lengthy discussions on this issue that began at the first session of the Conference finally resulted in a liberal provision so complex that, if truth be told, it remains open to subtle differences of interpretation to this day.

The Conference was jeopardized by a number of other thorny issues, too numerous to be described here. However, the proceedings of the meetings and the analyses published in the *Review* reveal the weighty nature of the discussions and the results of a process which may be considered a new victory for humanitarian law.

Admittedly, Protocol II relating to non-international armed conflicts was weakened, but such was the price to be paid for the support of young States of the Third World. Moreover, discussions on atomic, biological and chemical weapons were ruled out at the Conference, and here again, an ironic glance can be cast at the usefulness of the rule of consensus, which gave rise to a unity of views prompted by a wealth of ulterior motives!

Nonetheless, the gains by far outweighed the shortcomings and the Additional Protocols were invaluable in helping humanitarian law keep

¹⁹ See Michel Veuthey, "Military instructions on the treatment of prisoners in guerrilla warfare", *IRRC*, No. 132, March 1972, pp. 125-137, at p. 137.

pace with contemporary reality. Consensus was reached on the essentials: protection of the civilian population against the dangers of indiscriminate warfare; prohibition of blanket or indiscriminate bombing. This fundamental achievement was accompanied by increased protection for medical personnel, equipment and transports, for civil defence activities, for the natural environment and for cultural objects.

The role of the ICRC was reaffirmed, while the High Contracting Parties and the parties to international armed conflicts pledged to facilitate action taken by National Red Cross and Red Crescent Societies and the League of Red Cross Societies in behalf of conflict victims.

Two other noteworthy points were the adaptation of the provisions limiting the right of belligerents to choose methods or means of warfare for military operations, and the efforts made to strengthen monitoring and repression mechanisms.

In 1987 ICRC President Cornelio Sommaruga declared: "Is there any room left for doubt that the protection of the individual was one of the primordial objectives of the Protocols, when the States agreed to strengthen the rights accorded to the individual and the minimum fundamental guarantees of humane treatment for all individuals in times of armed conflict, both international and internal?"²⁰

3. Promoting and disseminating the law

As soon as the Diplomatic Conference drew to a close the ICRC embarked on a campaign to persuade States to ratify the Protocols or accede to them. Senior ICRC officials and delegates set out on a tour of the world's capitals, and the National Societies were invited to make their own approaches to their respective governments.

The initial results were hardly encouraging, despite resolutions adopted by International Conferences of the Red Cross in Bucharest (1977) and Manila (1981) urging States to ratify the Protocols. By 1981, only 17 States were party to Protocol I and 16 to Protocol II. The numerous impediments to ratification stemmed from underlying political and ideological motivations. Very often, ratification was rejected on grounds of

²⁰ Cornelio Sommaruga, "The Protocols additional to the Geneva Conventions: a quest for universality", *IRRC*, No. 258, May-June 1987, p. 245.

national sovereignty as States applied their unilateral interpretations of the law. Further, it should be borne in mind that "the decision to ratify the Protocols is also a political act in the context of international relations. Governments want to know who has already ratified the Protocols and for what reasons, just as they want to know what has prompted others to hesitate or to reject the Protocols".²¹ A certain degree of ignorance and indifference in diplomatic circles and government departments also played a part, not to mention the complex, even esoteric, nature of the subject matter.

Yet the ICRC never tired in its efforts and little by little, as the political situation eased with the breakdown of the two major power blocs in the late 1980s, the number of ratifications and accessions increased. By 1994, fully two-thirds of the world's States were party to the Protocols and they were well on the way to universal acceptance.

On the other hand, to date only 44 States have recognized the obligatory competence of the International Fact-Finding Commission, which is responsible for monitoring respect for humanitarian law. The ICRC will have to intensify its efforts in this regard.

The humanitarian law treaties may remain a dead letter unless States take legal and practical domestic measures to guarantee their application. The ICRC has frequently made written approaches to governments and National Societies encouraging such action. The *Review* regularly publishes information on legislation and rules of application that States have adopted for the protection of the red cross and red crescent emblems and on instructions they have issued concerning medical personnel, units and means of transport, the establishment in peacetime of National Information Bureaux and the penal sanctions to be applied in the event of grave breaches of the law. It has also reported on practical measures taken by a number of countries, such as the creation of interministerial committees or the compiling of military manuals.

Spreading knowledge of international humanitarian law is a treaty-based obligation of States, stressed in the Conventions of 1949 and reaffirmed in the Protocols. The progress made in this regard is interesting in several respects. In 1949 it was still feared that dissemination of the law might be interpreted as an attempt to justify war. Yet by 1977 not only was dissemination seen as a crucial factor in ensuring application

²¹ Hans-Peter Gasser, "Steps taken to encourage States to accept the 1977 Protocols", *IRRC*, No. 258, May-June 1987, p. 266.

of the law, but it was also considered to be a moral duty in that it served to propagate a spirit of peace and solidarity.

The ICRC, the National Red Cross and Red Crescent Societies and their Federation, which were already active in the field of dissemination, were called upon by the Diplomatic Conference to play an important role in supporting the States' dissemination policies. In 1978, dissemination activities were put on a systematic and structured footing by the Programme of Action of the Red Cross with respect to dissemination of knowledge of international humanitarian law and of the principles and ideals of the Red Cross. Initially established for a four-year period, and twice extended up to 1990, the programme's essential objectives were to conduct and coordinate activities relating to dissemination, education and research and to encourage States to become party to the Protocols. The text also describes the tasks to be undertaken by each of the Movement's components with support from the Henry Dunant Institute.

Referring to the *Oxford Manual* on the laws of land warfare, in 1880 Gustave Moynier wrote: "If this purpose is to be achieved, it is not enough for sovereigns to promulgate new laws. It is also essential that they disseminate knowledge of them ...".²²

The dissemination of humanitarian law is hampered by the very nature, volume and complexity of its rules. Yet making as many people as possible familiar with the law has always been one of the primary goals of the Movement. This effort was given new impetus by the publication in 1979 of a collection of the "Fundamental rules of humanitarian law applicable in armed conflicts", which in seven maxims expresses the very essence of the law.²³ With a view to facilitating teaching of the law, the *Review* has also published summaries, outlines and synopses, which to this day are considered to be authoritative sources.²⁴

²² Quoted by Paul Ruegger, "Gustave Moynier", *IRRC*, No. 178, January 1976, p. 6.

²³ The text of the "Fundamental rules of humanitarian law applicable in armed conflicts" is reproduced in *IRRC*, No. 206, September-October 1978, pp. 247-249.

²⁴ Some examples:

— Stanislaw E. Nahlik, "A brief outline of international humanitarian law", *IRRC*, No. 241, July-August 1984, pp. 187-226 (offprint with bibliography)

— Jean de Preux, Synopses I to IX, published in the *Review* between 1985 and 1989 (complete offprint)

— Technical note on the Protocols of 8 June 1977 additional to the Geneva Conventions, *IRRC*, No. 242, September-October 1984, pp. 274-277

Promoting a better understanding of humanitarian law also entails demonstrating that its principles and rules have their roots in all civilizations, religions and traditions. On a number of occasions the *Review* has published articles about the contribution of Christianity, Islam, Buddhism and African traditions to respect for the individual in time of armed conflict. "Historical and philosophical works on the humanitarian movement thus constitute not only an indispensable contribution to our knowledge of humanitarian law, but also an essential means of strengthening it, since legal rules are not followed as standard practice until they become part of the collective consciousness of all peoples and nations".²⁵ Within the Movement, a number of tactics have been used to disseminate the law among target groups, particularly the armed forces. These initiatives have been given wide coverage in the *Review*,²⁶ which also reports on training seminars organized by the ICRC in all parts of the world, usually in cooperation with National Societies or academic institutions.

Such activities, combined with the production of an impressive amount of written and audiovisual material, demonstrate how the Movement's greatest and most remarkable efforts over the past 20 years have been channelled into spreading knowledge of humanitarian law and the Fundamental Principles of the Red Cross. Yet dissemination of the law can be a thankless task, requiring self-sacrifice and professionalism as well as a firm belief in the long-term effects.

Although several States have understood the importance of disseminating humanitarian law and have taken measures accordingly, it is only too evident that the results are still inadequate.

²⁵ Karel Vasak's "Conclusions" to the collective work *International Dimensions of Humanitarian Law*, UNESCO, Pedone, Paris/Henry Dunant Institute, Geneva, 1986, p. 297.

²⁶ For example, between 1976 and 1993 over 1,000 high-ranking officers from 118 countries attended international courses for military officers on the law of armed conflict, organized by the San Remo Institute with the support of the ICRC. In this regard, the Institute's invaluable contribution to the development of the law cannot be overstated. As Jovica Patmotic, Honorary President of the Institute, pointed out, "During the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts (1974 to 1977), the Institute organized annual round tables, between sessions of the Conference, at which those taking part in the Conference and others informally discussed the main issues and the means of resolving them. The ICRC gave its full support to this forum." "Working for a humanitarian dialogue. The International Institute of Humanitarian Law celebrates its twentieth anniversary", *IRRC*, No. 278, September-October 1990, pp. 449-455, at p. 453.

Round table meetings and seminars have been organized by the Institute jointly with the ICRC and other organizations for the purpose of discussing ways — like those described in this article — of revising, updating and adapting the law.

In order to keep up the momentum, the ICRC and the Federation drew up the "Guidelines for the '90s", a body of advice and rules for all those concerned with dissemination, and submitted them for approval by the Council of Delegates at its November 1991 session in Budapest. While the objectives of dissemination remain unchanged, methods have evolved. National Societies can no longer engage in dissemination as a separate activity; it must be associated with other practical services for the community. In certain cases, it may be useful to link the dissemination of humanitarian law with that of other branches of law, such as human rights or refugee law. Lastly, priority must be given to training instructors and other partners to serve as relays.²⁷

Today, four years after the "Guidelines" were adopted, the chaotic nature of current conflicts, the growing numbers of civilian victims, and the increased dangers faced by operational personnel makes dissemination seem even more vital to prevent new outbreaks of violence or, failing that, to prevent breaches of the law. It would appear that the time has come for a new preventive strategy, one designed to help States engage in systematic dissemination of the law in peacetime among the armed forces and the police, and also among young people, academic circles and the media, and, in time of conflict or unrest, to set up ad hoc programmes that focus on the needs of actual or potential victims.

4. Explaining and upholding the law

The dissemination process cannot be dissociated from the efforts made to explain the law and its provisions, if only to avoid reducing its scope through oversimplification or to prevent erroneous interpretations.

For this reason, the ICRC published *Commentaries* on the Geneva Conventions of 1949 and later on the Additional Protocols of 1977. Where necessary, the *Commentaries* were supplemented by studies in the *Review* that discussed important issues such as the protection of the civilian population, national liberation movements, internationalized internal conflicts, the role of neutral States, and violations of the law. The *Review* also addressed specific topics such as protection of medical activities,

²⁷ René Kosirnik, "Dissemination of international humanitarian law and of the principles and ideals of the Red Cross and Red Crescent", and "Guidelines for the '90s", *IRRC*, No. 287, March-April 1992, pp. 173-178.

journalists on dangerous missions, cultural objects, national information bureaux, judicial guarantees, and the status of mercenaries.

Care should be taken, however, not to dismiss these explanatory studies as mere academic exercises, since they formed part of an ongoing process of reflection prompted, on the one hand, by the proliferation of internal conflicts in which women and children were the main victims and, on the other hand, by a plethora of population movements that swelled the ranks of refugees and displaced persons moving either across national borders or within their own countries. These conflicts also caused large-scale damage to the infrastructure and the environment, thereby severely hampering protection and assistance activities conducted under the terms of humanitarian law and revealing shortcomings in application of its provisions. Consequently, there were those who reached the rather hasty conclusion that the time had come to create new legal instruments geared to new conflict situations.

Faced with such arguments the ICRC felt there was a real danger that humanitarian law could become isolated, but was convinced that, instead of encouraging the drafting of new rules, it was vital to explain the law the better to uphold its provisions.

This approach was reflected in the *Review*, which published a number of articles on the protection of children, of refugees and displaced persons, and of the environment in times of conflict. These issues, particularly since the Gulf war, had triggered a number of separate initiatives on the part of the international community. The ICRC and the experts and practitioners consulted on the subject agreed that the existing law covered practically every situation and that it did afford sufficient protection as long as it was properly implemented and respected. Indeed, "the true problem does not really lie in the inadequacy of the norms, but in ignorance of or disregard for them ...".²⁸ And the true remedy can be summed in just a few basic principles — that States respect and ensure respect for the law, and make its rules widely known.²⁹

²⁸ "Protection of the environment in armed conflicts", statement by the ICRC to the 47th Session of United Nations the General Assembly on 1 October 1992, in Antoine Bouvier, "Recent studies on the protection of the environment in time of armed conflict", *IRRC*, No. 291, November-December 1992, note 36, p. 565.

²⁹ At the conclusion of her article, "The protection of children during armed conflict situations", Sandra Singer exclaims: "What is needed is not more laws to protect the child in armed conflict situations. What is needed is dissemination and implementation of existing international humanitarian law", *IRRC*, No. 252, May-June 1986, pp. 133-167, at 166.

The conflict between Iraq and the Kurds in the wake of the Gulf war, and the wars in Somalia and the former Yugoslavia have highlighted the problems of humanitarian assistance and access to victims. The difficulties encountered in these conflicts shook the structure of humanitarian law to the core by giving rise to the notion of a "right of intervention on humanitarian grounds". That indicated a failure — or a refusal — to understand that the right to humanitarian assistance is a fundamental principle of humanitarian law. Over 20 provisions in the Geneva Conventions and the Protocols deal with the medical and material assistance to which the victims of armed conflicts are entitled. In this context, the law reflects moral values in that they both hold that assistance to a person in need cannot be regarded as interference.

Studies published in the *Review* since 1991 demonstrate how the notion of a right to interfere on humanitarian grounds as defined by its advocates does not stand up to scrutiny under existing humanitarian law. Nonetheless, as has been pointed out, "there is certainly room for improvement in means of implementation to facilitate access to victims, protect relief workers and coordinate their efforts".³⁰

Which brings us to the crux of the matter. The law is there, it does exist, but the way in which it is applied leaves much to be desired owing to lack of political will on the part of the States concerned and to poor understanding of a law made difficult to grasp by complexity of its provisions.

Just as there is a need for better coordination in large-scale humanitarian operations between the United Nations system and other humanitarian organizations, an effort must be made to define the guiding principles and the enforceable rules of humanitarian law which take into account the specific stipulations of human rights law, refugee law, etc. One example of this is the "Guiding principles on the right to humanitarian assistance" adopted in April 1993 by the Council of the International Institute of Humanitarian Law in San Remo following its Round Table meeting on "The evolution of the right to assistance".³¹

³⁰ Maurice Torrelli, "From humanitarian assistance to 'intervention on humanitarian grounds'?", *IRRC*, No. 288, May-June 1992, pp. 228-248. On this subject, see also: Yves Sandoz, "'Droit' ou 'devoir d'ingérence' and the right to assistance: the issues involved", *ibid.*, pp. 215-227; and Denise Plattner, "Assistance to the civilian population: the development and present state of international humanitarian law", *ibid.*, pp. 249-263.

³¹ "Guiding Principles on the Right to Humanitarian Assistance", *IRRC*, No. 297, November-December 1993, pp. 519-525.

Admittedly, these guiding principles do not have the force of law, but they can help strengthen the law by adapting it where appropriate and can highlight areas requiring new provisions.

5. Adapting the law and introducing new provisions

Upholding the law also means adapting it to keep pace with the political, social and technical changes that take place in contemporary society.

In its role as a pioneer, the ICRC has consistently adhered to two golden rules: to take initiatives only on issues that fall strictly within its competence and never to propose new developments in the law until discussions have taken place with relevant sectors of the international community and expert opinions have been obtained.

In recent years the ICRC has focused its attention on three areas. The first concerns signals and the identification of persons and objects protected by international humanitarian law; the second concerns the conduct of hostilities and methods and means of warfare, particularly in internal conflicts; and the third concerns the protection of the individual against all forms of violence.

(a) Signals and identification

The identification of medical personnel, units and transports is an essential element of the system of protection introduced by the 1864 Geneva Convention. The ICRC has always attached great importance to this issue, which has received ample coverage in the *Review*. Developments in aerial warfare, for example, prompted the institution to conduct aerial tests with the Swiss army on the visibility of the red cross and red crescent emblems from the air and to make improvements. Such tests took place in 1936, and most recently in 1990.

Technological advances, however, have profoundly affected methods and means of warfare, so that the distinctive emblem alone no longer affords sufficient protection for medical personnel, units and transports. Systematic research has been undertaken to develop the use of radio-communications, radar, underwater acoustic signals, and light signals.

In 1990, a meeting of technical experts convened by the ICRC set about reviewing Annex I of Protocol I to incorporate the technical provisions already adopted by the competent international organizations. The

review process lasted until 1993, and the amendments proposed by the experts came into force on 1 March 1994.³²

It would now appear that identification is no longer a technical problem, but an issue that depends largely on the will of the parties concerned. Indeed, as one ICRC expert pointed out, parties should “recognize the right of protected transports and those not involved in a conflict to use all technical means of identification available today, in order to avoid being taken as targets, or even destroyed, by belligerent forces”.³³

(b) The conduct of hostilities

As regards the conduct of hostilities, Protocol I of 1977 reaffirms two fundamental rules of humanitarian law, namely: “the right of the Parties to the conflict to choose methods or means of warfare is not unlimited”, and “it is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering” (Article 35, paras. 1 and 2). These rules have been developed and implemented by a series of international instruments, ranging from the 1868 Declaration of St. Petersburg, which prohibited the use of certain types of projectiles in time of war, to the 1980 Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects. They have been reflected in a growing number of limitations on methods and means of warfare and the choice of targets, all taking due account of the principles of proportionality and discrimination. In the words of one former member of the ICRC: “Looking at the progress achieved in the past 125 years, therefore, one might conclude that this evolution represents triumphant progress in the field of arms control, steadily limiting the area, means, methods and targets of warfare, thus efficiently taming the tragedy of war and reducing the amount of suffering and damage it brings about.”

Nonetheless, the author sagely adds: “... the evolution of constraints reducing the suffering and damage of warfare must always be seen in conjunction with the lethal and destructive power of the means and methods of combat available. In this connection a far less positive evalua-

³² “Entry into force of the amended version of Annex I to Protocol I, concerning technical means of identifying medical units and transports”, *IRRC*, No. 298, January-February 1994, pp. 27-41.

³³ Gérald Cauderay, “Means of identification for protected medical transports”, *IRRC*, No. 300, May-June 1994, p. 277.

tion seems appropriate: While international humanitarian law has made undeniable progress, the 'progress' made in terms of killing and the destructive power of the weapons available has also kept growing and seems to have grown even faster [...] Nevertheless, one cannot but conclude that in the absence of the extension and consolidation that has taken place in the field of international humanitarian law the consequences would be unimaginably more tragic".³⁴

Recognizing this close link between humanitarian law and arms control, the ICRC has for many years taken an interest in the matter of weapons of mass destruction. In 1925, for example, the institution played an active role in preparing the Geneva Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare. More recently, it was instrumental in the drafting of the 1980 Convention on prohibitions or restrictions on the use of certain conventional weapons. In accordance with its mandate, the ICRC has also taken action to ensure that States respect the obligations incumbent on them under humanitarian law with regard to the conduct of hostilities, in particular Article 36 of Protocol I, which obliges States to determine whether the employment of a new weapon would be prohibited by the rules of international law.

In line with its usual policy, the ICRC encouraged experts from all backgrounds to formulate their views on the subject and consider ways of improving the law. The *Review's* special issue on conventional weapons marking the tenth anniversary of the 1980 Convention gave experts, jurists and military personnel the opportunity to evaluate the contents of the Convention and its three Protocols and to underscore its shortcomings, notably the absence of provisions to prevent the excessive damage wreaked by current conflicts, particularly internal ones.

The question of the applicability of rules governing the conduct of hostilities to non-international armed conflicts was not addressed in the 1980 Convention for reasons connected with possible interference in national sovereignty. Yet this is the area where the need for new developments in the law is most pressing, and in this regard the San Remo Institute should be commended for the work done at a Round Table which led in 1989 to the adoption of the "Rules of international humanitarian law governing the conduct of hostilities in non-international armed conflicts".³⁵

³⁴ Daniel Frei, "International Humanitarian Law and Arms Control", *IRRC*, No. 267, November-December 1988, pp. 491-504, at p. 497.

³⁵ *IRRC*, No. 278, September-October 1990, pp. 383-408.

The forthcoming Review Conference of the 1980 Convention on prohibitions or restrictions on the use of certain conventional weapons will provide an opportunity for close examination of the problems caused by the use of certain weapons, for adapting the law accordingly and for deciding on measures to be taken with regard to new weaponry.

The ICRC has prepared the ground by organizing meetings of experts on anti-personnel mines and by contributing to studies of new weaponry, particularly blinding weapons.³⁶ It is up to the States to draw the appropriate conclusions.

(c) Protecting the individual against violence

One of the ICRC's priorities is to provide protection for the individual in situations not normally covered by humanitarian law, generally described as internal disturbances and other situations of internal violence.

The adoption of fundamental guarantees that protect individuals not only from the enemy but also from their own governments, such as those stipulated in Article 75 of Protocol I and Article 4 of Protocol II, was undoubtedly a major step towards the universal protection of victims. However, there is an important condition for the application of these guarantees, namely, the existence of an armed conflict as defined by humanitarian law.

By the exercise of its right of initiative, the ICRC has acquired unique experience in the field of internal disturbances and tension. Since 1918, when it conducted its first visit to security detainees, the ICRC has constantly expanded its activities to protect the fundamental rights of the individual in these situations that are not covered by the law, and has diversified its action in response to various forms of violence. The ICRC's role in this respect nowadays is not to take action itself, "but to approach those in power to ensure that they are aware of and meet their humanitarian responsibilities both inside and outside places of detention".³⁷

The ICRC has an established policy governing its protection and assistance activities for detainees and its response to indiscriminate violence against defenceless persons, hostage-taking and forced

³⁶ See special issue of the *Review*, No. 299, March-April 1994, pp. 93-193.

³⁷ Marion Harroff-Tavel, "Action taken by the International Committee of the Red Cross in situations of internal violence", *IRRC*, No. 294, May-June 1993, p. 220.

disappearances.³⁸ While its offers of services can no longer be regarded as interference in the internal affairs of States, it nonetheless holds true that States are under no obligation to accept such offers.

The late 1980s saw a number of developments in the codification of international rules intended for situations of internal disturbances and tension.

In this regard, in 1988 the *Review* published two "trial balloon" articles. The first, written by an eminent international lawyer, was a draft Model Declaration containing "an irreducible and non-derogable core of human and humanitarian norms that must be applied in situations of internal strife and violence". The other was a draft Code of Conduct prepared by an ICRC expert. The Code set out the generally applicable fundamental rules, and was intended first and foremost as an instrument of dissemination appealing to the individual conscience.³⁹

Both texts are based on a set of fundamental standards deriving from general legal principles, international humanitarian law, and the non-derogable rules of the international law of human rights. Although the approaches adopted by these two texts are complementary, they differ in several respects. For example, the Declaration, which is primarily addressed to States and to citizens, seeks to codify international rules, backed by procedural provisions, that protect the individual in situations of internal disturbances and tension. The Code of Conduct, on the other hand, is mostly concerned with victims, and appeals to all those who may commit acts of violence to respect the fundamental rules of behaviour. The former refers mostly to the law; the latter is more of an appeal to moral considerations.

The publication of these texts sparked the interest of jurists in a number of universities and international organizations. The result, at the conclusion of a meeting held in Turku, Finland, in 1990, was a "Declaration of minimum humanitarian standards", the purpose of which was to codify certain basic rules to be respected in times of internal disturbances and tension, or during periods when the public is exposed to exceptional danger.⁴⁰ The Declaration prescribes a normative approach,

³⁸ "ICRC protection and assistance activities in situations not covered by international humanitarian law", *IRRC*, No. 262, January-February 1988, pp. 9-37.

³⁹ Theodor Meron, "Draft Model Declaration in internal strife", and Hans-Peter Gasser, "A measure of humanity in internal disturbances and tensions: proposal for a Code of Conduct", *IRRC*, No. 262, January-February 1988, pp. 38-76.

⁴⁰ *IRRC*, No. 282, May-June 1991, pp. 328-336.

the first step towards codification of the international rules currently in force. It was recently introduced — albeit timidly — into the United Nations system when the Commission on Human Rights decided to invite States to voice their views on its content.

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As we conclude this review of the evolution of humanitarian law over the past 25 years, one question that the ICRC was already asking ten years ago comes to mind: What is the best way of developing the law as the century draws to a close? Should one “draft new legal provisions in the form of a treaty binding on the parties or [...] work out a (non-binding) declaration of general principles whose applicability is proclaimed as a matter of course?”⁴¹

Where there is a lacuna in the law, a generalized declaration could prompt the drafting of a legal instrument creating new law, and in this respect the Turku Declaration might be a preliminary step towards the codification of principles and rules specific to situations of violence.

As regards situations already covered by existing treaties, on the other hand, a declaration of principles might be prejudicial to the obligatory legal provisions in that it could weaken respect for the existing law. “Is there not a danger that governments may hide behind general principles — which are more easily respected due to their general character — in order to evade specific treaty obligations?”⁴²

In fact, faced with the proliferation of situations of violence, the challenge for the years ahead lies not so much in new codifications, which are all too often subject to the vagaries of politics, but rather in “the rooting of the existing values and standards, if possible even progressively extending them by means of a generous interpretation and application”.⁴³

⁴¹ Hans-Peter Gasser, “Some Reflections on the Future of International Humanitarian Law”, *IRRC*, No. 238, January-February 1984, pp. 18-25, at p. 24.

⁴² *Ibid.*

⁴³ Michel Venthey, “Guerrilla warfare and humanitarian law”, *IRRC*, No. 234, May-June 1983, p. 136.

The same message was delivered by the International Conference for the Protection of War Victims (Geneva, August-September 1993). Many participants at the Conference reaffirmed the value of existing humanitarian law while stressing that some rules required clarification or further development. Thus — as this survey of the *Review* demonstrates — too much emphasis cannot be given to the usefulness of simple rules of execution and of clear guidelines that can be used to explain and adapt the law, minimize its shortcomings, and even make up for its deficiencies. Such an approach has proved its worth in areas such as the conduct of hostilities in internal strife, humanitarian assistance, protection of the environment, and naval warfare.

Apart from providing an opportunity to take stock of the law some 16 years after the adoption of the Additional Protocols, the main purpose of the Conference was to seek means of curbing the suffering and horror wrought by present-day conflicts which themselves are the products of hatred, fanaticism and intolerance. The States refused to accept the current human tragedies as inevitable; instead they pledged to do everything in their power to prevent such situations. It is to be hoped that the Final Declaration adopted by the Conference will give new impetus to humanitarian mobilization, will make humanitarian law truly universal and place its dissemination on a systematic footing, and will put an end to grave violations of its provisions.

We must trust in the words of Gustave Moynier, whose message is more relevant now than ever before. "By strengthening one point after another, we shall build an unbroken line of defence that will humanize war as far as possible. To put it plainly, treaties drafted specially for the purpose of attenuating the horrors of war will probably grow in number. Treaties already in existence will lead to others, designed either to supplement the existing treaties or to remedy their deficiencies. As time goes by, international legislation will become an increasingly faithful reflection of contemporary standards. This might even lead to a general codification of the law of war."⁴⁴

(To be continued)**

⁴⁴ Gustave Moynier, *op. cit.*, pp. 30-31.

** Section to follow:

III — The Movement: solidarity and unity

BIBLIOGRAPHICAL NOTES

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Remembering Hiroshima

by François Bugnion

The seventh largest city in Japan by population size, located on the mouth of the Ota River, whose muddy waters pour into the Inland Sea, Hiroshima had been almost spared by the bombing until the summer of 1945.

At dawn on 6 August 1945, four reconnaissance planes flew over the city and disappeared again without dropping any bombs. At 7:31 the sirens signaled the end of the alert. The inhabitants left their shelters and went about their business.

Three-quarters of an hour later few of them noticed an American B-29 bomber flying at a very high altitude in a cloudless sky. Once over the city, the aircraft dropped an object barely larger than a standard bomb.

Forty-three seconds later, a flash a thousand times brighter than the sun set the sky afire, immediately followed by an incandescent heat and, a few moments later, a whirlwind which swept away everything in its path.

The terrifying heat released by the atomic bomb turned the city centre into one giant furnace, which in its turn caused a violent wind to pick up. The fire spread from neighbourhood to neighbourhood before dying out from lack of fuel, around the middle of the afternoon. By that time the entire city was gone.

Everything within a radius of one kilometre from the point of explosion was obliterated, to the extent that even a building's foundations were unrecognizable. Alone, on the banks of one of the arms of the Ota River, remained the bare skeleton of the Sei Hospital over which towered the metallic frame of an enormous glass dome which was to become the symbol of the disaster.

All around, within four to five kilometres of the bomb's epicentre, houses had been reduced to rubble, trees uprooted, vehicles hurled about,

and railway lines twisted as if by some supernatural force. In all, 90% of buildings were destroyed or badly damaged. Windows were shattered as far as 27 kilometres from the point of impact.

About 80,000 people were killed in the explosion and almost as many suffered serious injuries. Many were to die in the weeks and months that followed, in terrible agony from the burns they sustained or from the effects of the radiation: internal haemorrhaging, cancer, leukaemia.¹

It was 8:15 in the morning. The world had entered a new era dominated by the nuclear threat: humanity had acquired the means to bring about its own annihilation.

Three days later another bomb destroyed the city of Nagasaki, with consequences as horrifying as in Hiroshima. Just a few hours earlier the Soviet Union had declared war on Japan and its armies had begun to invade Manchuria, where the Sino-Japanese war had begun 14 years before.

On 15 August, speaking to his people for the first time over the radio, Emperor Hirohito announced that Japan was accepting the Allied ultimatum and, on 2 September, General Torashivo Kawabe signed his country's surrender on the bridge of the battleship *USS Missouri* anchored in Tokyo Bay. The Second World War was over.

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The Japanese Red Cross Society was the first National Society to be set up in Asia. It was also the most efficient organization with the most extensive resources. The hospital it ran in Hiroshima had miraculously

¹ There are major divergences as regards the number of victims of the disaster. The report from the US Commission on the effects of strategic bombing gives the figures of 80,000 killed and as many injured (*The United States Strategic Bombing Survey, The Effects of Atomic Bombs on Hiroshima and Nagasaki*, Chairman's Office, 30 June 1946, Washington, United States Government Printing Office, 1946, p. 3). A survey carried out by the Hiroshima City Council up to 10 August 1946 arrived at the following figures, for a civil population of 320,081 inhabitants, on the day of the explosion: 118,661 killed, 30,524 seriously injured, 48,606 slightly injured, and 3,677 missing (*Hiroshima and Nagasaki, The Physical, Medical and Social Effects of the Atomic Bombings*, The Committee for the Compilation of Material Damage caused by the Atomic Bombs in Hiroshima and Nagasaki, translated by Eisei Ishikawa and David L. Swain, New York, Basic Book Publishers, 1981, p. 113).

been spared, although the doors and windows had been blown out by the blast and part of the roof had caved in. Thousands of the injured were able to receive treatment there.

The day after the disaster several medical teams from the Japanese Red Cross Society arrived in Hiroshima from neighbouring towns. Two of these teams helped the staff at the Japanese Red Cross hospital, while the others served in improvised dispensaries, set up in tents in different parts of the devastated city. A total of 792 staff members and volunteer workers from the Japanese Red Cross Society treated some 31,000 patients during the three weeks following the disaster.²

Relief operations were, however, seriously hindered by the scale of the catastrophe and the number of victims, the shortage of staff and appropriate equipment and supplies, by the incurable nature of some of the wounds and the uncertainty as to the treatment required; there were no medicines; hygiene conditions were appalling because of the heat and the lack of drinking water, causing wounds to become infected and epidemics to spread. In addition, many relief workers who came in to help the victims in the hours and days that followed were themselves affected by the radiation.

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From the start of the war, the International Committee of the Red Cross had maintained a small delegation in Japan, whose task was to assist Allied prisoners of war held in the archipelago. It came up against the greatest difficulties and, in particular, total incomprehension on the part of the military in power in Tokyo.

On 29 August an ICRC delegate, Fritz Bilfinger, was able to reach Hiroshima. He was the first neutral witness to arrive on the scene of the disaster, and the telegramme he sent the next day to the delegation conveys the full extent of the tragedy:

“Visited Hiroshima thirtieth, conditions appalling stop city wiped out, eighty percent all hospitals destroyed or seriously damaged; inspected two emergency hospitals, conditions beyond description fullstop effect of

² According to information supplied to the author by the Japanese Red Cross Society on 5 June 1995.

bomb mysteriously serious stop many victims, apparently recovering, suddenly suffer fatal relapse due to decomposition of white blood cells and other internal injuries, now dying in great numbers stop estimated still over one hundred thousand wounded in emergency hospitals located surroundings, sadly lacking bandaging materials, medicines stop please solemnly appeal to allied high command consider immediate air-drop relief action over centre city stop required: substantial quantities bandages, surgical pads, ointments for burns, sulphamides, also blood plasma and transfusion equipment stop immediate action highly desirable, also despatch medical investigation commission stop report follows; confirm receipt".³

The head of the ICRC delegation, Dr Marcel Junod, immediately contacted the Japanese authorities and the Supreme Allied Command, which were starting to deploy in the archipelago.

On 8 September it was Dr Junod's turn to fly to Hiroshima, accompanied by a US commission of enquiry and Dr Tzusuki, a professor of radiology at the University of Tokyo. He brought with him 12 tonnes of medicines and dressings donated by the US authorities.

His observations fully confirmed the apocalyptic vision conveyed in Fritz Bilfinger's telegramme: the annihilation of an entire city where, "*there was nothing but silence and desolation*", the extremely serious and, in many cases, fatal nature of the injuries from burns and radiation, the overcrowding of make-shift hospitals, the lack of equipment and medicines, the powerlessness of medical staff, also decimated and having to cope with totally new types of wounds for which there was no treatment, and finally the despondency of the survivors faced with a disaster which, like lightning, had wiped out their city.⁴

The ICRC did not wait to receive the reports from its delegates before taking a stand on the new means of mass destruction with which mankind had equipped itself. In a circular to the National Societies dated 5 September 1945 — less than one month after Hiroshima — on the end of the hostilities and the future tasks of the Red Cross, the ICRC was already questioning the lawfulness of atomic weapons and appealing to States to reach an agreement banning their use:

³ Fritz Bilfinger, telegramme dated 30 August 1945, copy, ICRC Archives, file No. G. 8/76.

⁴ Dr Marcel Junod, *The Hiroshima Disaster*, extract from the *International Review of the Red Cross*, September-October and November-December 1982.

“War — which remains an anomaly in a civilized world — has undoubtedly become so devastating and universal, amidst the web of conflicting interests on the various continents, that every thought and every effort ought to be directed first and foremost at making it impossible. But the Red Cross should nonetheless continue, of necessity, its traditional activity in the field of human rights, which is to safeguard the requirements of humanity in times of war. The apparent untimeliness of this task, when peace appears finally to have returned, must not distract the Red Cross from this essential duty. The greater the destructive power of war, the greater the necessity — in protest against this reversal of values — to spread the light of humanity, no matter how small, into the infinite darkness.

One may wonder, however, [...] whether the latest developments in warfare technology still leave room, in international law, for any sound, valid order. The First World War already, and even more so the disasters of the past six years, have shown that the conditions which enabled international law to find its traditional expression in the Geneva and Hague Conventions have undergone profound changes. It is primarily obvious that, owing to the progress in aviation and the increased impact of bombing, the distinctions established so far in terms of the categories of individuals who ought to receive special protection — particularly, in the case of civilians, protection from the armed forces — have become practically inapplicable. The development of means of warfare and, therefore, of war itself, has been rendered all the more lethal by the use of discoveries in atomic physics as a weapon of war of unprecedented effectiveness.

It would be pointless to anticipate the future of this new weapon, or even to express the hope that the Powers might give it up entirely. Will they at least want to keep it in reserve, so to speak, in a lasting, secure way, as an ultimate guarantee against war and as a means to safeguard a balanced order? Such a hope is perhaps not entirely vain as, during the past six years of fighting, there has been no use of certain toxic or bacteriological weapons banned by the Powers in 1925. Let us remember this fact of a period which has seen so many violations of the law and so many reprisals.”⁵

⁵ “La fin des hostilités et les tâches futures de la Croix-Rouge” (The end of the fighting and the future tasks of the Red Cross), 370th Circular to the Central Committees, 5 September 1945, *Revue internationale de la Croix-Rouge (RICR)*, No. 321, September 1945, pp. 657-662, *ad.* pp. 659-660. The ICRC was to return to this issue in an appeal on 5 April 1950, entitled “Armes atomiques et armes aveugles” (Atomic weapons and non-directed weapons), *RICR*, No. 376, April 1950, pp. 251-255.

The ICRC's concerns were those of the entire Red Cross: in a resolution adopted unanimously, the Seventeenth International Red Cross Conference, meeting in Stockholm in August 1948, requested the States "*solemnly to undertake to prohibit absolutely all recourse to [non-directed weapons] and to the use of atomic energy or any similar force for purposes of warfare.*"⁶

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Fifty years after Hiroshima, the States have still not managed to come to an agreement on banning nuclear weapons, which remain the cornerstone of the defence strategy of the Powers possessing them, in particular the five permanent members of the Security Council.

However, despite the very profound crises which marked the Cold War, nuclear weapons have never been used since Hiroshima and Nagasaki. No doubt the example of the destruction of the two Japanese cities, and the conviction that the Nuclear Powers on both sides had the means of mutual destruction, were a deterrent sufficient to prevent any recourse to these monstrous weapons.

On the other hand, during the 45 years that elapsed between the end of the Second World War and the destruction of the Berlin Wall, humanity lived under the constant threat of nuclear arsenals capable of destroying all human life on earth. This remained an implicit threat for long periods of time but was openly flourished in moments of crisis, notably during the Suez crisis (1956), the Arab-Israeli war in October 1973, and in particular the Cuban missile crisis in October 1962.

This threat abated with the end of the Cold War. But despite the recent renewal of the Treaty on the Non-Proliferation of Nuclear Weapons the risk of proliferation has increased since the break-up of the USSR. Several States make no secret of their ambition to acquire nuclear weapons, and the vigilance which the Great Powers exercised for more than 40 years has slackened off since the end of the Cold War. So, although the threat of full-scale nuclear war has now receded, the

⁶ Resolution XXIV, *Seventeenth International Red Cross Conference, Stockholm, 1948.*

danger of proliferation of nuclear weapons remains greater than ever. This is undoubtedly the most serious threat currently hanging over humanity.

François Bugnion, Arts graduate and Doctor of Political Science, entered the service of the ICRC in 1970. He served the institution in Israel and the occupied territories (1970-1972), in Bangladesh (1973-1974) and more briefly in Turkey and Cyprus (1974), Chad (1978), Viet Nam and Cambodia (1979). Since 1989, he has been Deputy Director of the ICRC Department for Principles, Law and Relations with the International Red Cross and Red Crescent Movement. He is the author of: *Le Comité international de la Croix-Rouge et la protection des victimes de la guerre* (ICRC, Geneva, 1994).

DEATH OF MR HANS HAUG

The ICRC was very sad to learn of the death in St. Gallen on 12 April 1995 of Mr Hans Haug, an honorary member of the Committee.

Born in 1921 in St. Gallen, Mr Haug studied law at the Universities of Geneva and Zurich. In 1967 he was appointed to the chair of public international law at the St. Gallen School of Advanced Economic and Social Studies and remained in this post until 1986.

Mr Haug joined the Swiss Red Cross in 1946; he was appointed Secretary General of the Society in 1952 and was its President from 1968 to 1982. Meanwhile, also from 1968 to 1982, he was one of the Vice-Presidents of the League of Red Cross Societies (now the Federation), an *ex-officio* post which automatically falls to the President of the Swiss Red Cross. He was furthermore a member of the Council of the Henry Dunant Institute as from 1971 and was Chairman of the Institute's Council and Assembly from 1978 to 1980.

He was invited to join the ICRC as a member of the Committee, the ICRC's governing board, in March 1983 and was appointed an honorary member in 1992.

With the death of Mr Hans Haug, the International Red Cross and Red Crescent Movement has lost a man of great dedication who played a decisive role, both nationally and internationally, in its work. As President of the Swiss Red Cross he gave the necessary impetus to the National Society's activities to help others, whilst as Vice-President of the League and later as member of the ICRC, he skilfully promoted dialogue amongst the representatives of all the National Societies and spared no efforts to enhance the Movement's cohesion and the efficiency of its action.

In his exemplary commitment for more than forty years to the Red Cross and Red Crescent, and true to the tradition of the founders of the Red Cross, he was always mindful of the linkage between action and the law. Through his research and teaching he contributed actively to the development and propagation of humanitarian law. The long list of his

publications reflects his numerous spheres of interest, ranging from humanitarian law itself to the Fundamental Principles of the Red Cross and Red Crescent, the Movement's contribution to peace and the fight against torture.

He left us valuable guidance in his book entitled *Humanity for All — The International Red Cross and Red Crescent Movement*, which is a remarkable expression of his all-embracing view of the message of the Red Cross and Red Crescent.

Hans Haug, a man of wisdom, perseverance, integrity and strong principles, mellowed by a typically Swiss German sense of humour, was a true Red Cross man who rendered exceptional service to the cause of the Red Cross.

All his numerous friends at the ICRC, the Federation and within the National Societies mourn his passing. And, as the President of the ICRC, Mr. Cornelio Sommaruga stressed when accompanying Hans Haug to his last resting place: "Humankind will be grateful to him. His message will remain engraved in our memory".

PRESS CONFERENCE GIVEN BY THE PRESIDENT OF THE ICRC

(Geneva, 30 May 1995)

At his annual press conference on 30 May 1995, ICRC President Cornelio Sommaruga began by referring to the recent 50th anniversary of the end of the Second World War in Europe and deploring the ICRC's moral failure regarding the Holocaust, when "it did not succeed in moving beyond the limited legal framework established by the States".

Commenting on the grave conflicts currently raging around the world, in particular those in Bosnia-Herzegovina, Rwanda and Chechnya, President Sommaruga stressed the responsibility of the States when grave breaches of international humanitarian law are committed.

The Review is pleased to publish the text of the president's introductory statement.

This year, commemorations held around the world serve to remind us of the unspeakable suffering that six years of war inflicted upon humanity half a century ago.

We have evoked painful memories so as not to forget, to remind ourselves again and again of something that the whole world vowed in 1945 — never again!

We have taken another look at our own share of the responsibility for the almost complete failure by a culture, indeed a civilization, to prevent the systematic genocide of an entire people and of certain minority groups.

Of course we must not forget what the ICRC managed to achieve during the Second World War, in particular for prisoners of war. It was a gigantic and magnificent task.

But believe me, every moment spent today on our humanitarian responsibilities to assist the victims of war and political violence reminds me of our institution's moral failure with regard to the Holocaust, since it did not succeed in moving beyond the limited legal framework established by the States. Today's ICRC can only regret the possible omissions and errors of the past!

Moreover, our involvement in the work of the International Tracing Service in Arolsen, Germany, which the ICRC has been managing for exactly 40 years now and where the archives pertaining to all the civilian victims of the Third Reich are being kept, is a daily reminder of the agony endured by millions of people who were tortured or exterminated.

In this connection I should like to remind you that in 1934 the ICRC submitted a draft convention before the International Conference of the Red Cross in Tokyo, setting out important protective measures for civilian populations in enemy hands and in occupied territories. While history unfortunately proved us to be tragically right, the initiative did not receive the support it required from the States.

It was only after the war, in 1949, that the States introduced these proposals as an extension of humanitarian law. Today, 185 of the world's 189 States have ratified the Geneva Conventions. And not only have States pledged to apply the Conventions themselves, but also to do everything within their power to ensure that all other States respect them too.

Thus all the States are jointly responsible for ensuring that even in the thick of war — including civil war — certain elementary humanitarian principles are respected, and that special protection is afforded to the wounded, prisoners of war, and civilians.

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Fifty years ago, some circles justified their passive behaviour by claiming they were unaware of the extent of the atrocities committed by the Nazis. More recently, others have said they did not know about the events in Cambodia in the late 1970s.

These days nobody — whether they are private citizens or agencies in charge of humanitarian action, and especially if they are State representatives — can hide behind real or faked ignorance.

Nobody can claim to be ignorant about what has happened in Somalia, or what has occurred and is still occurring in Rwanda, or the events in Bosnia-Herzegovina — which are extremely serious — or what has happened and is still happening in Chechnya, to quote but a few examples.

Nowadays, the international community is fully aware of the large-scale and extremely serious violations of the Geneva Conventions.

While the absence of provisions of international law to protect civilians in time of conflict does not exonerate anyone — least of all the ICRC — from their moral responsibility for events that occurred over 50 years ago, there is even less reason today to contest the joint respon-

sibility of the community of States, and of each State party to the Conventions.

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Some people say that international humanitarian law is outmoded, that it does not apply to all situations of massive armed violence, and that the joint responsibility of States to respect the law can no longer be considered as binding.

Mention has also been made of “complex emergency situations”, and it has been said that some traditional military operations are nothing more than police action. Others have claimed that the tribal warfare and ethnic clashes in Africa and Afghanistan are not covered by any aspects of international law. Still others speak of “low intensity” conflicts.

Let me tell you this:

What we have today is organized, large-scale and systematic armed violence, even if some of the combatants are armed only with machetes and screwdrivers — as in the case of Rwanda, there is widespread armed violence, even if it appears anarchic and seems to have no other motive than depredation or, purely and simply, the elimination of the other side — as has happened in some West African countries and is still happening in Somalia.

What can we say about an incursion over an international border by thousands of troops armed with sophisticated military weaponry — like the kind used by Turkey in Iraqi Kurdistan?

Or what about large-scale traditional military operations conducted partly by units attached to the Ministry of the Interior — as is the case in Chechnya?

In all these situations, and many others like them, there are hundreds of thousands of unarmed civilians caught in the crossfire, there are tens of thousands of people wounded, and hundreds if not thousands of prisoners. Today, our thoughts obviously turn in particular to all the armed violence which is being directed and organized by political entities in Bosnia-Herzegovina.

There is a name for all these situations. They are called “war”.

International humanitarian law does apply to war, and States are therefore bound by their joint responsibility to ensure respect for the law. The use of euphemisms for armed conflicts does not free States from their obligations.

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First and foremost, these obligations are political.

I am referring in particular to the efforts made before the outbreak of an armed conflict — that is, attempts to prevent conflicts, political mediation by the United Nations, and all the bilateral and regional initiatives taken to this end.

At this level the joint responsibility of States plays a key role, and all necessary resources — including appropriate military means — must therefore be made available to the international community's institutions to enable them to bring about political solutions.

The State's joint responsibility before the outbreak of a conflict, and during the conflict itself, is equally engaged in a much wider context — the arms trade. Let us not forget that the anniversary of the Hiroshima bombing is fast approaching. The dangers of the proliferation of nuclear weapons — so much more powerful today than they were 50 years ago — not to mention chemical and bacteriological weapons, cannot be ignored.

This is why the international community, which has already reached a consensus on nuclear non-proliferation, must do everything within its power as a matter of urgency to reach agreements on limiting the transfer of conventional weapons, and on ensuring respect for the control measures already adopted on a number of occasions.

At this point I should like to express my hope that the conference scheduled for September in Vienna to review the 1980 Weapons Convention will have tangible results, that it will put an end to the scourge of anti-personnel landmines, and stamp out new evils — like portable laser weapons, which are blinding weapons — before they can even begin to take hold.

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In cases where it has not been possible to prevent the outbreak of conflicts, political intervention and the security measures taken by the international community must remain credible. For where there is such intervention, there can be no double standards. Nor can intervention be limited to a purely palliative humanitarian commitment.

When the international community has succeeded, through diplomatic or military means, in putting an end to or in limiting the extent of armed violence, when it establishes a military presence or deploys observers in conflict situations that are still rife, it must always firmly remind the belligerents to comply with their obligations under international humanitarian law.

Here I emphasize that the rights of civilians and prisoners are inalienable. They must on no account be bartered for some political concession, as is, alas, frequently the case in the conflict raging in Bosnia-Herzegovina. The law likewise prohibits using anyone — be it a civilian or a combatant — as a human shield.

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The joint responsibility of States in the political sphere obviously also includes humanitarian action, which, I repeat, must not serve as a substitute for political action. The States' involvement in humanitarian operations must translate primarily into unfailing support for organizations that are capable of assuming responsibility for these operations in the long term, and of doing so with complete impartiality, outside of any political controversy.

Here too, the States must not pass off their political responsibility onto the humanitarian agencies. I shall illustrate my point with only one example of the problems which we are currently facing in Rwanda.

The international community has committed itself to helping the Rwandan people rebuild their homeland after the genocide that it did not seek to prevent.

It has undertaken to see that a national and international judicial process be set up to enable the country to put an end to the infernal spiral of violence.

Today the ICRC is alone in providing food to more than 43,000 prisoners being held in appalling conditions, in supplying them with

water, in doing whatever it can to restore adequate standards of hygiene and in trying to ensure that no one goes missing. There are small children and elderly people being detained in Rwandan prisons. Widespread arbitrary practices further aggravate the plight of this totally destitute population. The current situation can only lead to further violence.

We have urgently requested that new, more salubrious places of detention be set up.

There are solutions to the problem. The international community has the possibility of taking immediate action. And yet it does not assume its responsibilities in these matters, which are of a purely political nature. It leaves us to cope with the situation.

It is we who are now taking part directly — and quite exceptionally — in the installation of new detention camps, in order to save lives.

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The ICRC shares a certain number of responsibilities with the States. It is the guardian and promoter of international humanitarian law.

It assumes its share of the responsibilities first of all by conducting its humanitarian activities wherever there are victims of conflict and political violence whom it can help to survive, and by seeking to ensure that they are shielded from the excesses of armed violence and its consequences. The ICRC is active today in 32 countries at war. It runs its operations with substantial support from the National Red Cross and Red Crescent Societies, some of which operate autonomously under its coordination. Here I should like to pay tribute to all the National Society staff and local employees working in delegations in the field, who are doing outstanding humanitarian work.

The ICRC moreover places its services as a specifically neutral organization at the disposal of the States in order to facilitate their political negotiations. This is the framework in which our delegates have worked and are still working in Mexico and Sri Lanka, and might yet be called upon to do so in Colombia.

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We also share the State's responsibility in taking preventive action, in particular by stepping up our efforts to spread knowledge of international humanitarian law.

We have just decided to set up a new unit which will advise the States on introducing into their domestic legislation all provisions required to repress serious violations of the Geneva Conventions.

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Finally, I should like to remind you that the 26th International Conference of the Red Cross and Red Crescent will take place this coming December in Geneva.

The Conference will bring together representatives of the States party to the Geneva Conventions and of all the National Red Cross and Red Crescent Societies, their Federation, and the ICRC.

We shall not propose, as was the case in Tokyo in 1934, the adoption of new provisions of international humanitarian law.

Existing law covers all situations of armed conflict, and all that is required is the political resolve to apply it.

But — as I am doing with you today — the ICRC and the entire International Red Cross and Red Crescent Movement will firmly impress upon the States that it is their joint responsibility to respect and ensure respect for international humanitarian law.

*PREPARING FOR THE 26TH INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT*

(Geneva, 3-7 December 1995)

**SECOND MEETING OF LEGAL ADVISERS
OF NATIONAL RED CROSS
AND RED CRESCENT SOCIETIES**

(Geneva, 6-7 March 1995)

A second meeting of legal advisers of National Red Cross and Red Crescent Societies, jointly organized by the ICRC and the International Federation of Red Cross and Red Crescent Societies, was held in Geneva on 6 and 7 March 1995.¹

The advisers of some twenty National Societies, together with officials in charge of preparations for the 26th International Conference of the Red Cross and Red Crescent, devoted the first day of the meeting to examining the recommendations of the Intergovernmental Group of Experts for the Protection of War Victims which met on 23 to 27 January 1995.²

During this meeting which was chaired by Mr Yves Sandoz, Director of the ICRC's Department for Principles, Law and Relations with the Movement, the participants expressed satisfaction that the Movement's role not only as the custodian and promoter of international humanitarian law (IHL), but also as an adviser on the implementation of that law, had been reaffirmed. They also noted that the Group of Experts' eight recommendations allowed the Movement's components considerable scope for action and that it was up to them to sustain the States'

¹ The first meeting of legal advisers of National Societies was held in Geneva on 12 and 13 September 1994. A summary of its work is to be found in the September-October 1994 issue, No. 302 of the *Review*, pp. 442-445.

² See *Review*, No. 304, January-February 1995, pp. 33-38.

efforts towards improved application of the law. In addition, the participants considered that action by the Movement need not be confined solely to the experts' recommendations. It could also undertake activities in spheres as yet inadequately explored, for example mandatory reporting systems on national measures for the implementation and dissemination of IHL.

From the discussions on the recommendations of the Group of Experts the following major points emerged:

- National Societies have an important role to play in the universal adoption of the instruments of IHL; they are fully entitled to advise their governments on the purpose and competence of the Fact-Finding Commission.
- The ICRC, with the help of the National Societies, the International Federation of Red Cross and Red Crescent Societies and academic institutions, must strengthen its capacity to provide advisory services to States in their efforts to implement and disseminate IHL. Such advice can be given only with the recipient's prior consent.
- As regards dissemination, the National Society experts considered that the ICRC could either become directly involved in promoting a better understanding of IHL among international organizations and UN bodies and agencies or urge them to develop such knowledge themselves. A major effort must in any case be made to train peace-keeping troops.
- The National Societies are the ICRC's obvious counterparts, and the support given to them by the Federation must be coordinated with the ICRC.
- With regard to the role of dissemination in preventing conflicts, the Movement's task should be to continue developing an approach based on the humanitarian values on which IHL is founded. It should seek the most suitable ways of making these values known in various parts of the globe and in different cultural contexts.
- The National Society experts reaffirmed the importance of national committees to facilitate and coordinate the implementation and dissemination of IHL. However, it was essential to ensure that the involvement of non-governmental organizations, whose working principles may be different from those of the Movement, did not cause governments to misunderstand the purpose of such committees and give rise to confusion.

- As depositary of the Geneva Conventions, the Swiss Government will organize periodic meetings of the States party to them to examine general problems of application of IHL. It is intended to hold the meetings alternately with the International Conference of the Red Cross and Red Crescent; they will deal exclusively with the application of the law. National Society experts specifically stressed the need for the holding of all these meetings to be coordinated.

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The second day was devoted to preparations for the 26th Conference, in particular proposals as to action the components of the Movement should take to ensure its success. The participants also reviewed the provisional agenda for the Conference and considered how the National Societies could become involved in preparations for it by mobilizing their members and approaching governments.

The provisional agenda for the Conference, as submitted by the ICRC and the Federation, contained the following main items:

(1) *Commission I*

- Report by the Swiss Government on the recommendations of the Intergovernmental Group of Experts for the Protection of War Victims.
- Protection of the civilian population during armed conflicts, and other topical issues.

(2) *Commission II*

- Principles and response in international humanitarian assistance and protection.
- Strengthening capacity to aid and protect the most vulnerable.

The experts put forward specific suggestions for an agenda which must simultaneously take into account humanitarian priorities and the interests of States. They especially emphasized how imperative it was for the Movement to present a united front in order to demonstrate that it can make a significant contribution to resolving humanitarian issues.

The chairman of the meeting endorsed their comments in his summing up, inviting National Societies to approach the Conference in a positive

and constructive manner and avoid giving States the impression that the Movement viewed the Conference as a venue for confrontation. It was essential that the Conference continue to be a major humanitarian forum where all the participants demonstrate their willingness to join together in defending the victims' interests.

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In a subsequent issue the *Review* will return to the preparations being made for the International Conference and in particular the agenda, which must be finalized by the Standing Commission of the Red Cross and Red Crescent when it meets on 1 and 2 May 1995.

RUSSIAN EDITION OF THE *INTERNATIONAL REVIEW OF THE RED CROSS*

On the 125th anniversary of the *International Review of the Red Cross*, the ICRC again reaffirms the principles of permanence, receptiveness and dissemination which it set several years ago for its official publication at the service of the International Red Cross and Red Crescent Movement.

At its meeting of 4 May 1995, the ICRC Executive Board decided that the *Review* should also be published in Russian.

The changes which have occurred in the USSR since the end of the 1980s have been accompanied by the emergence of new conflicts, with the result that this vast region has become a priority area for ICRC protection and assistance. It is also showing greater interest in the activities of the International Red Cross and Red Crescent Movement. Now more than ever our institution, which hails this new receptiveness, needs to adopt the appropriate means for effective prevention, dissemination and humanitarian diplomacy.

In a part of the world where the written word continues to be the most appreciated means of communication, our purpose in issuing the ICRC's official publication in Russian — a language spoken by more than 200 million people — is therefore to spread knowledge of international humanitarian law and the Movement's message and activities, especially within National Societies and government and academic circles. More particularly, it will serve to back up the ICRC's efforts in recent years, at university and secondary school levels, to produce dissemination material in Russian for users in the countries of the former USSR and in other regions where there is a widespread knowledge of the language.

The Russian edition of the *Review*, which will basically be identical to the other regular editions in Arabic, English, French and Spanish, can also foster the development of strong National Societies within the Commonwealth of Independent States. At the same time, it can help them to

strengthen their links with the ICRC, which hopes that this new edition will be well received and will prompt Russian-language institutions and Russian-speaking individuals to send in written contributions giving their thoughts and ideas on the activities of the Movement, the application of humanitarian law and current major humanitarian issues.

The November-December 1994 issue was the first to appear in Russian and, like the same issue in the other languages, was devoted to the 125th anniversary of the *Review*.

Geneva, 31 May 1995

**CONVOCATION
to the 26th International Conference
of the Red Cross and Red Crescent**

Geneva (Switzerland), 3-7 December 1995

The Standing Commission of the Red Cross and Red Crescent mandated the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies to organize the 26th International Conference of the Red Cross and Red Crescent. It will be held in Geneva (Switzerland)

from 3 to 7 December 1995.

This Conference will be preceded by the 36th Session of the Executive Council and the 10th Session of the General Assembly of the International Federation of Red Cross and Red Crescent Societies, the Council of Delegates of the International Red Cross and Red Crescent Movement and various other meetings of particular interest to the Movement.

This is the convocation for the members of the International Conference which, pursuant to Article 9 of the Statutes of the Movement, are:

- duly recognized National Red Cross and Red Crescent Societies,
- the International Committee of the Red Cross,
- the International Federation of Red Cross and Red Crescent Societies,
- the States parties to the Geneva Conventions.

Pursuant to Rule 5 of the Rules of Procedure of the Movement, this convocation is also being sent to observers to inform them that this Conference is going to be held.

Please find attached:

- the programme of the Conference,
- the provisional annotated agenda of the Conference,
- the registration and hotel registration form (to be duly filled in and returned within the indicated deadline), the list of hotel prices, a map of Geneva,
- a brochure on the 26th International Conference.

Rule 6 (para. 2) of the Rules of Procedure of the Movement stipulates “observations, amendments or additions to the provisional agenda must be received by the Standing Commission at least sixty days before the opening of the Conference...”. All comments to this effect must thus be sent to the following address by 3 October 1995:

**Secretariat of the Standing Commission
of the Red Cross and Red Crescent
C.P. 372
1211 Geneva 19 (Switzerland)**

Lastly, the Standing Commission has decided to nominate Ambassador Jean-Daniel Biéler, who has been put at its disposal by the Swiss Government, as Commissioner responsible for assisting the International Committee and the International Federation with respect to preparations for the Conference.

MARIO VILLARROEL LANDER
President
International Federation
of Red Cross and Red Crescent Societies

CORNELIO SOMMARUGA
President
International Committee
of the Red Cross

26th International Conference of the Red Cross and Red Crescent

Geneva, 3-7 December 1995

PROVISIONAL ANNOTATED AGENDA

OPENING CEREMONY

FIRST PLENARY MEETING

1. Election of the Chairman, Vice-Chairmen, Secretary-General and two Assistant Secretaries General of the Conference

In conformity with Rule 15 of the Rules of Procedure, the first plenary meeting will elect the officers of the Conference on the proposal of the Council of Delegates.

2. Humanitarian challenges on the eve of the twenty-first century:

- 2.1 Keynote address by the President of the International Committee of the Red Cross
- 2.2 Keynote address by the President of the International Federation of Red Cross and Red Crescent Societies

3. Appointment of the Conference Commissions and adoption of their respective agendas:

Commission I: War victims and respect for international humanitarian law

Commission II: Humanitarian values and response to crises

MEETINGS OF THE COMMISSIONS

A. COMMISSION I: War victims and respect for international humanitarian law

1. Election of the Chairman, the Vice-Chairmen, the rapporteurs and the members of the Drafting Committee

2. International humanitarian law: from law to action - Report on the follow-up to the International Conference for the Protection of War Victims

On the initiative of the Swiss government, an International Conference for the Protection of War Victims was held from 30 August to 1 September 1993. The States present at the Conference expressed their refusal to accept the inevitability of serious and large-scale violations of international humanitarian law, which cause suffering, destruction, destitution and death, especially among the civilian population.

At the request of the Conference, the Swiss government then brought together an Intergovernmental Group of Experts open to all States. The group adopted by consensus a series of practical recommendations aimed at promoting full respect for international humanitarian law. These recommendations, which were forwarded to the States, will be submitted to the International Conference by the Chairman of the Group of Experts on behalf of the Swiss government. A supplementary document will be provided, indicating ways in which the various components of the International Red Cross and Red Crescent Movement could contribute effectively to implementing the recommendations.

A draft resolution concerning the recommendations will also be submitted to the Conference. It will include proposals for action on the recommendations that require specific measures of implementation and application.

3. Protection of the civilian population in wartime

The most acute problems that have arisen in recent conflicts with regard to the protection of the civilian population concern above all women and children. Countless acts of violence, including rape, have been committed against women. These acts must be considered as war crimes in accordance with international humanitarian law. Awareness of the situation of women in war must be heightened so that measures can be adopted, in addition to the general provisions which already exist for the protection of civilians, to increase protection specifically for women. Children are also a highly vulnerable group in armed conflicts. Often left to their own devices, many are recruited or volunteer to become soldiers. Measures must also be adopted in this area, including ways of providing children with more support and facilitating their reintegration in society.

Among the most serious problems arising in connection with armed conflict and the protection of the environment are the use of starvation

and the prevention of access to, or the contamination of, water supplies as methods of warfare. The widespread use of landmines, which cause untold suffering among the civilian population, is another serious problem. Special attention should therefore be focused on examining the results of the Review Conference of the 1980 United Nations Weapons Convention and on discussing various measures that could be taken to fight this scourge.

A report will be submitted that includes an overview of each of these problems, a brief reminder of the applicable law in force, a summary of the activities of the various components of the International Red Cross and Red Crescent Movement and proposals aimed at increasing the protection afforded war victims.

A draft resolution containing these proposals, in particular, will be submitted to the International Conference.

4. Any other business

B. COMMISSION II: Humanitarian values and response to crises

- 1. Election of the Chairman, the Vice-Chairmen, the rapporteurs and the members of the Drafting Committee**
- 2. Principles of international humanitarian assistance and protection**

The International Red Cross and Red Crescent Movement, by addressing the needs of the most vulnerable groups worldwide, advocates and acts upon its founding values and principles. This agenda item concentrates on various aspects of humanitarian assistance, in particular the Movement's response to the plight of refugees and internally displaced persons, and the ethical principles and professional standards which the Movement believes must be applied during humanitarian assistance operations.

A background document on recent international developments affecting humanitarian assistance will, *inter alia*, examine the Movement's concern with preventing and mitigating suffering during humanitarian crises and with improving both the efficiency and effectiveness of humanitarian assistance and protection. The document will also explore the relationship between, on the one hand, appropriate diplomatic and political action by States and international institutions and, on the other hand, the need to preserve a neutral and impartial environment in which humanitarian action can take place.

A draft resolution will include a number of recommendations specifying the Movement's expectations of governments, in particular with a view to preserving the independence of its action. Endorsement will be sought for the newly revised "Principles and Rules for Red Cross and Red Crescent Disaster Relief" and for the "Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief".

3. Strengthening the Movement's capacity to assist and protect the most vulnerable groups

At the national and local levels, commitment to the Movement's principles and values is demonstrated and advocated in the day-to-day programmes of the National Red Cross and Red Crescent Societies on behalf of the most vulnerable groups in their countries. To function as effective, independent auxiliaries to their governments in emergency situations and in providing community services, the National Societies must have strong and clear structures and mandates, and the necessary resources.

A background document will outline priorities for the institutional and operational development of National Societies. These include strengthening global and regional networking, upholding and advocating the characteristics of a well-functioning National Society and reviewing the statutes of National Societies with a view to preserving their integrity.

A draft resolution will, *inter alia*, call on governments to confirm the mandate of the National Societies as auxiliaries able to fulfil their humanitarian mission within their communities in accordance with the Movement's principles and values. It will also urge governments to renew their commitment to supporting National Society development, structures, services and disaster preparedness activities.

4. Any other business

SECOND AND SUBSEQUENT PLENARY MEETINGS

1. Election of the members of the Standing Commission

The Standing Commission of the Red Cross and Red Crescent will comprise nine members, namely:

- (a) five members of different National Societies, each elected in a personal capacity;

- (b) two representatives of the International Committee of the Red Cross, one of whom shall be the President;
- (c) two representatives of the International Federation of Red Cross and Red Crescent Societies, one of whom shall be the President.

In accordance with Rule 21 of the Movement's Rules of Procedure, nominations for the Standing Commission must be delivered in *closed* envelopes, with the *curriculum vitae* of each candidate, to the Chairman of the Bureau of the International Conference, *48 hours* before the opening of the meeting in which the election is to take place. The proposals for candidates should therefore reach the Chairman of the Bureau, who is also the Chairman of the Conference, by *5 December 1995* at 9 a.m.

The curriculum vitae of each candidate must be circulated at least *24 hours* before that meeting and should therefore be made available by *6 December 1995* at 9 a.m.

It is to be noted that *personal qualities* and the *principle of fair geographical distribution* should be taken into account.

2. Report of Commission I and adoption of resolutions

3. Report of Commission II and adoption of resolutions

4. Any other business

Amendment to the Statutes and the Rules of Procedure of the Movement

In 1991, the 8th Session of the General Assembly of the (then) League of Red Cross and Red Crescent Societies decided that the new name of the organization should be the "International Federation of Red Cross and Red Crescent Societies". With a view to amending the Statutes and the Rules of Procedure of the Movement to include the new name of the organization, all proposals regarding the change of name were circulated to all the members of the 26th International Conference, which was due to, but did not, take place in Budapest in 1991. Consequently, the International Federation proposes that the 26th International Conference amend the Statutes and the Rules of Procedure of the Movement in order to bring them into harmony with the decision of the International Federation's General Assembly referred to above (see Annex).

5. Place and date of the 27th International Conference

NOTE:

Owing to the limited time available for discussion in the Commissions, written reports will be submitted to the participants under item (4) *Any other business* on the following subjects:

- Report of the Chairman of the Standing Commission;
- Report of the Council of Delegates;
- Report of the Joint Commission for the Empress Shôken Fund;
- Follow-up to resolutions of the 25th International Conference.

Geneva, 31 May 1995

ANNEX

Amendment to the Statutes and the Rules of Procedure of the Movement

In 1991, the 8th Session of the General Assembly of the (then) League of Red Cross and Red Crescent Societies decided that the new name of the organization should be the "International Federation of Red Cross and Red Crescent Societies". With a view to amending the Statutes and the Rules of Procedure of the Movement to include the new name of the organization, all proposals regarding the change of name were circulated to all the members of the 26th International Conference, which was due to, but did not, take place in Budapest in 1991. Consequently, the International Federation proposes that the 26th International Conference amend the Statutes and the Rules of Procedure of the Movement in order to bring them into harmony with the decision of the International Federation's General Assembly referred to above.

Amendment proposed by the International Federation of Red Cross and Red Crescent Societies relating to the change of the name of the League

1. Preamble

Present text:

"The International Conference of the Red Cross and Red Crescent,

Proclaims that the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies...”

Proposed text:

“The International Conference of the Red Cross and Red Crescent,
Proclaims that the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies...”

2. General provisions

Article 1: Definition

Present text:

- “1. The International Red Cross and Red Crescent Movement (hereinafter called “the Movement”) is composed of the National Red Cross and Red Crescent Societies recognized in accordance with Article 4 (hereinafter called “National Societies”), of the International Committee of the Red Cross (hereinafter called “the International Committee”) and of the League of Red Cross and Red Crescent Societies (hereinafter called “the League”).”

Proposed text:

- “1. The International Red Cross and Red Crescent Movement (hereinafter called “the Movement”) is composed of the National Red Cross and Red Crescent Societies recognized in accordance with Article 4 (hereinafter called “National Societies”), of the International Committee of the Red Cross (hereinafter called “the International Committee”) and of the International Federation of Red Cross and Red Crescent Societies (hereinafter called “the Federation”).”

3. Components of the Movement

Present text:

“Article 6: The League of Red Cross and Red Crescent Societies

1. The League is the International Federation of the National Red Cross and Red Crescent Societies. It acts under its own Constitution with all rights and obligations of a corporate body with a legal personality.
2. The League is...”

Proposed text:

“Article 6: The International Federation of Red Cross and Red Crescent Societies

1. The International Federation of Red Cross and Red Crescent Societies comprises the National Red Cross and Red Crescent Societies. It acts...
2. The Federation is...”

’ (rest unchanged)

All relevant articles of the Statutes and of the Rules of Procedure of the International Red Cross and Red Crescent Movement shall be amended accordingly.

WORLD RED CROSS AND RED CRESCENT DAY 1995

JOINT MESSAGE OF THE INTERNATIONAL FEDERATION
OF RED CROSS AND RED CRESCENT SOCIETIES
AND OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

DIGNITY FOR ALL: RESPECT FOR WOMEN

Women, whether volunteers, staff or victims, whether helping or being helped, play a decisive role in our International Red Cross and Red Crescent Movement.

Disasters strike, conflicts erupt, leaving in their wake death, destruction, exile and despair. Yet from the origins of the Movement women have been at the forefront in caring for those in need. Henry Dunant was lavish in his praise for the local women who, through their concern for and self-sacrificing, untiring assistance to the soldiers wounded during the battle of Solferino, helped him to develop his humanitarian vision. As nurses, leaders and delegates, women have made a remarkable contribution to the Movement's efforts to uphold human dignity. Dedication to the noble task of helping others is a feminine characteristic; indeed, every woman is a mother at heart.

Unfortunately, millions of women have borne the brunt of conflict and disaster. When forced to abandon the rubble to which an earthquake or the shelling of vulnerable cities has reduced their homes, women are usually the ones who take the lead in rebuilding their shattered families by restoring the domestic routines that are so important to daily life. Theirs is a solitary and seemingly thankless struggle to maintain their dignity and that of their families when they are widowed by the conflict or their menfolk go off to fight for an ideal. Their dignity lies in the courage with which they overcome the immensity of their loss. Such dignity and courage are what make them the heroines of today's world.

A ruined house can be rebuilt and food supplies can be replaced, but an individual's physical and psychological integrity is sacred. Nature is often unpredictable, but so is man, despite his ability to reason. We make laws to protect ourselves, but sadly we do not obey them, even when our very existence and self-respect are at stake. The practice of rape, for example, which was associated with warfare in bygone days, is still a gruesome reality today, yet such acts are universally outlawed. What greater humiliation can a woman suffer than to be the victim of society's most degrading crime, when society itself discourages her from denouncing it? As Red Cross or Red Crescent members, and indeed as individuals, we must refuse to tolerate such blatant disrespect for women's dignity and strive to ensure that such behaviour becomes a thing of the past. It is the duty of all mankind firmly to condemn and punish such an odious and monstrous crime.

The Movement is highlighting the theme "Respect for women" this 8 May to support 20 years of international efforts to promote women's rights. In keeping with our tradition of helping the most vulnerable, as women frequently are in times of emergency, each one of us should do everything possible to uphold both respect for women and women's self-respect.

Let us all strive to defend the rights of women as individuals who have a crucial role to play. There has been enough mere talk about equality; now is the time to make it a reality. This is a humanitarian obligation and, as such, must become a guiding principle for our Movement. In the name of dignity for all, let us promote respect for women.

MARIO ENRIQUE VILLARROEL LANDER

President

*International Federation of Red Cross
and Red Crescent Societies*

CORNELIO SOMMARUGA

President

*International Committee
of the Red Cross*

DISSEMINATION IN ACADEMIC CIRCLES

The Jean Pictet Competition

by Christophe Lanord and Michel Deyra

The Jean Pictet International Humanitarian Law Competition was first held in 1989 on the initiative of the French Institute of Humanitarian Law in Clermont-Ferrand. Given its name in honour of the author of the *Principles of International Humanitarian Law* and the *Commentaries* on the Geneva Conventions and their Additional Protocols, and with his explicit permission, the Jean Pictet Competition continues in the tradition of the major international competitions for law students (Jessup, Rousseau, Cassin, etc.). This French-language competition has attracted more than 500 participants since its inception: universities in Albania, Argentina, Belgium, Bulgaria, Canada, Colombia, France, Germany, Mali, Romania, Switzerland, Tunisia and the United Kingdom have sent representatives of more than 30 different nationalities. The only international competition in a branch of public international law that is too often neglected by academics, its method and objectives endow it with a number of special features.

1. The method

The Jean Pictet Competition enables graduate students of law to become better acquainted with international humanitarian law, using simulated events and role-playing based on fictitious situations of armed conflict. Teams of four members must pit their legal knowledge against one another's and test their ability to find solutions to problems in three phases: the qualifying heats (two days), semi-finals and finals.

During the first two days, all the teams are invited to work on four aspects of a case study and to submit their solutions to four juries. In so

doing, the students have to take on the identities of advisers to ministries (defence, justice, etc.), lawyers, jurists, delegates of the ICRC or of a National Red Cross or Red Crescent Society, or rapporteurs to an interministerial committee, a court, military officers, an international or non-governmental organization, etc. The participants are given a different duty for each test, and are thus able to grasp various aspects of humanitarian law.

After the first two days, the six best teams follow up the case study. A single jury chooses the teams that will go through to the finals. Subjected for the last time to eight hours of preparation, the teams now come face to face. The finals jury selects the winning team, whose members are awarded the first prize: a two-week research fellowship at the Henry Dunant Institute in Geneva. The best speaker is awarded the Gilbert Apollis Prize.

The juries are made up of eminent experts in international law: in 1995 alone, such prominent figures as Mohammed Bedjaoui, President of the International Court of Justice; Anne Petitpierre, member of the ICRC Executive Board; Olivier Russbach, President of the French association *International Law 90*; and Professors Katia Boustany, Pierre Bringuier, Jean-Pierre Quéneudec, William Schabbas, Brigitte Stern and Dominique Turpin were members of the juries. They played their roles consummately, which meant, where necessary, pretending to completely misunderstand the candidates' explanations, or refusing to accept them, simply because the role played by the jury required them to adopt that attitude.

A last special feature of the Jean Pictet Competition is that it is held in a different place each year: the first session was in Clermont-Ferrand (1989). That was followed by sessions in Montpellier (1990), Geneva (1991), Brussels (1992), Clermont-Ferrand (1993), Montreal and Quebec (1994). In 1995, it was the French Red Cross that organized the seventh session in Paris, with great success, following in the tradition of four successive years of involvement by National Red Cross Societies.

The itinerant nature of the competition means that a local organizing committee can be relied on each year to deal with various practical matters (accommodation, meals, transport, reservation of the work rooms, and so forth). The academic aspect of the competition is dealt with by the Committee for the Jean Pictet Competition (CCJP), an association that brings together, in addition to the co-authors of the present text, jurists, lawyers and teachers of various nationalities, many of whom have ties with the French Institute of Humanitarian Law and the Quebec Institute of Humanitarian Law. It is the CCJP that supervises the competition, selecting the host body, devising the case studies and arranging the composition of the juries.

2. The objectives

The Jean Pictet Competition was created primarily to remedy the shortcomings of various university systems, which too often neglect international humanitarian law. It is now possible to promote the study and dissemination of this law by contacting several hundred universities across the world each year to encourage them to register for the competition; by changing the country for each new session, thus attracting the attention of different media and academics each year; and by arranging, in conjunction with the competition, university seminars, lectures and discussions, workshops, and exhibitions on international humanitarian law.

Dissemination is also facilitated by the method peculiar to the Jean Pictet Competition: unlike the other law competitions, no written dissertation is required; furthermore, the case study is revealed to the teams only on the day of the test. This unknown factor obliges the teams to prepare themselves not only in the field of international humanitarian law as a whole, but also in those of international penal law, international human rights law, international refugee law, United Nations law, etc. Thus, in the weeks leading up to the competition, the participants cannot afford to neglect any of these areas.

But over and above the traditional aim of spreading knowledge of the given subject, the real objective of the competition is to convey the reality of international law. The idea is to avoid giving the students too theoretical a view of humanitarian law, but instead to show its limits and constraints. This training work also implies a refusal to take the easy way out, which would be to settle for the media-style view of humanitarian law, one that is unfortunately too common nowadays and is often reflected in statements made by politicians. Not to despise humanitarian law, not to idealize it, but to know its true value: that is the attitude that the organizers expect of the participants.

That is why the Jean Pictet Competition is different from the other international law competitions. Like humanitarian law itself, it does not deal mainly with legal disputes or judicial matters, but with practice and, indeed, with real-life situations.

During the 1994 session, for example, the candidates played the role of ICRC delegates making a first visit to the authorities of a State not recognized by the international community. Faced with a military junta that was more interested in receiving aid than in possible protection activities, the candidates had to devise a whole negotiation strategy and couch their legal arguments in more general terms, with the aim of getting

the other side to accept those arguments. The candidates had to try to persuade the members of the junta to comply with humanitarian law, while knowing that they had expressed (very clearly) their refusal to listen to legal explanations. In such a case, which recalls certain passages in *Warrior without weapons*, what should be done?

To be able to adopt the appropriate behaviour, legal knowledge is essential. Without it, nothing is possible — but legal knowledge alone is not sufficient. Imagination and a lively mind must supplement academic knowledge. And, each year, the organizers meet, among the dozens of very able students, outstanding individuals; not just humanitarian law experts, but also students whose human qualities are on a par with their humanitarian commitment.

For many students, the competition is a complete break with the university world and very often constitutes their first confrontation with the reality of international law. Many students admit to having suffered a genuine “culture shock” when they discovered aspects of which they had previously been unaware. In particular, exposure to the actual consequences of a legal opinion is often a new experience: the realization that a particular opinion, although perfectly well-founded, can have far-reaching consequences for thousands of people must prompt reflection on the ethical aspects of the opinion. The responsibility of the jurist is one of the points on which the organizers of the competition want to prompt participants to reflect.

Another objective of the competition is to foster student encounters with other cultures. First, the case studies lend themselves to such discovery. For a week, the participants live through the tragic events of a fictitious region, since the various tests in a given year all refer to a single situation: the “Underwind Islands”, “Seraikraia” or “Saffividistan”, to cite only the three last years. The candidates must therefore steep themselves in the local culture and the history of these fictitious regions, voluminous descriptions of which are given to them a few weeks before the tests.

The diversity of the students’ nationalities also encourages cultural exchanges. The fact that they have pored over the same problems for a week, have experienced the same joys and the same pains, and have participated in the same unique experience as part of their university training creates very strong links between the participants, links that are the stronger for often being built up across frontiers.

Finally — and it is hardly surprising — vocations are often born of participation in the competition. Many former participants today occupy responsible posts in the humanitarian field, both inside and outside the International Red Cross and Red Crescent Movement, and also in public

administration, and legal practices. If any of the 500 former participants is one day confronted with questions linked to humanitarian law or to the Movement, it is very likely that the earlier exposure to these issues will enable him or her to defend the interests of humanity all the better. And that, when all is said and done, is surely the ultimate aim of dissemination.

3. The eighth session of the competition: Geneva, March 1996

The next session of the competition will take place in Geneva from 2 to 10 March 1996. There will be two major innovations compared with previous years. First, the number of teams will be limited to twelve with, in principle, a maximum of three teams from the same country. The teams will be selected not only for their competence in humanitarian law, as before, but also for their motivation and the quality of their humanitarian commitment. And second, participants will be given two days training prior to the competition. The training will not relate to humanitarian law itself, since participants are supposed to have an in-depth knowledge of international law before they even reach the venue of the competition. Topics of current importance, including developments in humanitarian law since the 26th International Conference of the Red Cross and Red Crescent, will be covered by experts. Similarly, people who actually work with humanitarian law will explain their views on the subject: for example, a legal adviser to the armed forces, an ICRC field delegate, and a legal adviser of a National Red Cross or Red Crescent Society. Finally, workshops will be run that are intended to awaken candidates to the realities of humanitarian action and to improve the way they present their cases and play their roles.

Information on the eighth session of the competition can be obtained from the following addresses:

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COMPETITION ROLL OF HONOUR 1989-1995

(the winner is underlined)

- 1989 (Clermont-Ferrand): Free University of Brussels; Fribourg University
Gilbert Apollis Prize: Christian Linsi (Fribourg University)
- 1990 (Montpellier): Aix-Marseille University; Neuchâtel University
Gilbert Apollis Prize: Olivier Raluy (Clermont-Ferrand University)
- 1991 (Geneva): Quebec Bar, Montreal Centre; Free University of Brussels
Gilbert Apollis Prize: Valérie Jochmans (Free University of Brussels)
- 1992 (Brussels): Quebec Bar, Montreal Centre; Aix-en-Provence University
Gilbert Apollis Prize: Daphné Cousineau (Quebec Bar, Montreal Centre)
- 1993 (Clermont-Ferrand): University of Essex; Montreal University
Gilbert Apollis Prize: Catherine Bohémier (Montreal University)
- 1994 (Montreal-Quebec): Saint-Jean Royal Military College (Canada); Paris I University (Panthéon-Sorbonne)
Gilbert Apollis Prize: Stéphane Dubreuil (Sherbrooke University)
- 1995 (Paris) Graduate Institute of International Studies (Geneva); University of Essex
Gilbert Apollis Prize: Alexandre Dalmau (University of Quebec in Montreal)

Christophe Lanord, born in 1967, holds postgraduate degrees in public law, political science and international law from the Universities of Clermont-Ferrand I and Paris II (Panthéon-Assas). He is currently working as a jurist with the Secretariat of the International Federation of Red Cross and Red Crescent Societies.

Michel Deyra, born in 1950, holds a doctorate in law and is a lecturer at the University of Auvergne (Clermont-Ferrand). Vice-President of the French Institute of Humanitarian Law, he is a specialist in the law of the European Union and in international humanitarian law.

XIXth Round Table on Current Problems of International Humanitarian Law

(San Remo, 29 August - 2 September 1994)

CONFLICT PREVENTION — THE HUMANITARIAN PERSPECTIVE

General Conclusions

The XIXth Round Table of the International Institute of Humanitarian Law on Current Problems of International Humanitarian Law in San Remo was held from 29 August to 2 September 1994 on the topic of "Conflict prevention — the humanitarian perspective".

The Round Table was opened by the President of the Institute, Ambassador Hector Gros Espiell. Messages were sent by the President of the Italian Republic, Mr Oscar Luigi Scalfaro, by the Secretary-General of the United Nations, Mr Boutros Boutros Ghali, and by the United Nations High Commissioner for Refugees, Mrs Sadako Ogata.

The participants were welcomed by the Mayor of San Remo, Mr David Oddo, and the opening address was made by the President of the International Committee of the Red Cross, Mr Cornelio Sommaruga. In the course of the Round Table discussions, statements were also made by the United Nations Under-Secretary-General and Director General of the United Nations Office at Geneva, Mr Vladimir Petrovsky, the United Nations High Commissioner for Human Rights, Mr José Ayala Lasso, the Director General of the International Organization for Migration (IOM), Mr. James Purcell, and the Secretary-General of the International Federation of Red Cross and Red Crescent Societies, Mr George Weber. Professor Jovica Patnogie, Honorary President of the Institute, gave the introductory remarks.

Much of the substantive work of the Round Table was conducted in panels under the direction of moderators highly qualified in their respec-

tive fields, seconded by assistants. The Coordinator of Panels was Mr. Ivor Jackson.

The subject of the Round Table was discussed against the background of recent turbulent and tragic events, some of which had resulted from changes in the political landscape due to the end of the Cold War and of the previous bipolarity of world politics. The following conclusions were reached:

1. In recent years, a number of conflict situations have arisen in many parts of the world and have been the cause of widespread and prolonged human suffering. Those afflicted included innocent victims of disregard for or violations of the principles and rules of international humanitarian law and fundamental human rights and people obliged to leave their usual place of residence, often under cruel and inhuman conditions, in order to seek refuge elsewhere, either within their own country or beyond its borders. This tragic human suffering is in itself a reason to focus increasing attention on the problem of conflict prevention and to approach it from the humanitarian point of view.

2. There are two basic considerations in addressing the problem in this way:

Firstly, when there is a danger of conflict, the possible human consequences should always be borne in mind by the parties concerned. There can be little doubt that if they had been fully aware of the magnitude of those consequences, this would probably have had a restraining effect on the emergence of the conflict itself;

Secondly, once a conflict has arisen, it is essential to ensure that humanitarian assistance is provided effectively and under optimum conditions. Continuing and prolonged human suffering necessarily serves to aggravate a conflict situation, whereas humanitarian assistance, by alleviating human suffering, thereby helps to prevent the situation from deteriorating still further. The same applies to the need for observance, *during* a conflict, of the principles of international humanitarian law, international refugee law and international human rights law.

3. Action with a view to *conflict prevention* may be short-term or long-term; whereas short-term action might produce more immediate results, it may not address the underlying causes of a conflict involved because of the "emergency" element and may, in some cases, only have the effect of postponing a real solution. Long-term action, on the other hand, may be more effective by addressing the root causes of the situation.

4. Recent and current conflict situations have been accompanied by an increase in the role assumed by the United Nations in the humanitarian

sphere. The practices adopted, e.g. the use of armed force, to ensure the delivery of humanitarian assistance are new elements that may well have an influence on the application of international humanitarian law and its possible further evolution.

5. It was noted with satisfaction that the international community had already acquired experience in various types of preventive action, including a series of specific mechanisms which should be further developed.

6. Conflict situations may result from many different causes which, in certain cases, may coincide, e.g. gross violations of human rights, in particular the rights of minorities or ethnic groups, and problems of frontiers, the arms trade, migration and development. With regard to the latter, it was considered that the fundamental importance of development had to some extent been overlooked, since the principal attention of the international community had recently been focused on current situations of open conflict. *Promotion of development*, however, deserves much greater attention as a vital element in long-term conflict prevention. In this connection, due consideration should be given to the need to ensure that effective action is taken by the international monetary and development institutions concerned, in accordance with their respective terms of reference.

7. In order to achieve meaningful results with respect to prevention, it is essential that those responsible for international action have the necessary political will to take appropriate measures. It is also desirable to obtain the support of the parties directly involved in a conflict situation. In addition, it is essential for preventive action that the necessary financial resources be made available by governments.

8. Conflict situations are often the cause of large-scale *migratory flows*. Such flows, moreover, may create new conflict situations. It is therefore of the greatest importance to ensure that uncontrolled or excessive migratory movements are avoided, or at least reduced, with due regard for the principles of international refugee and human rights law.

9. Minority problems are a major cause of contemporary conflicts and should therefore not remain unresolved. In seeking solutions, it would be appropriate *inter alia* to examine the possibilities of preparing an international instrument on minority rights at the regional level, especially in Europe.

10. The importance of the "*early warning*" mechanism as a step towards preventive diplomacy was fully recognized. It was also considered important to keep situations likely to lead to a conflict under constant

and ongoing review before they reached a degree of seriousness necessitating recourse to the early warning mechanism. The early warning mechanism should be reinforced by greater emphasis on fact-finding, also at the field level where non-governmental organizations have an important role to play. Some proposed that this mechanism of conflict prevention could be more efficient through the establishment of an early warning "clearing house" or "agency" to collect, collate and transmit relevant information to all UN organs concerned and, as appropriate, to the media. It was recalled that some situations likely to lead to a conflict may have existed for a long period of time, and it would be appropriate to identify them even before having recourse to the early warning mechanism.

11. It was essential that early warning should not be limited to obtaining relevant information, but should also imply a willingness on the part of governments and organizations concerned to take appropriate preventive measures, should these prove necessary in the light of the information obtained, so that early warning is translated into early action.

12. An important issue is the degree of seriousness which a situation must have attained to justify action to avert conflict. It was considered that there must not necessarily be large-scale violations of human rights or that the situation should have direct trans-frontier consequences, but that it should nevertheless be of such a nature as to attract international concern.

13. It was noted with satisfaction that the concept of "*preventive diplomacy*" had now been accepted, and had also been recognized as a potentially effective tool for action. There was, however, a need to render preventive diplomacy more effective by ensuring that existing arrangements for it are fully utilized in all potential or actual conflict situations, and that action taken under these arrangements is fully coordinated. It was recognized that uncoordinated or divergent action can seriously undermine the effectiveness of preventive diplomacy.

14. It was considered that the mediatory role of the United Nations Secretary-General should be given full support and reaffirmed by General Assembly resolutions. Moreover, the relevant intergovernmental bodies and organs, e.g. UNHCR, UNICEF and the United Nations Coordinator for Humanitarian Affairs, might also be in a position to exercise a mediatory role, a possibility which should be resorted to whenever appropriate in situations calling for mediatory preventive action.

15. In various recent conflict situations, recourse had been had to enforcement measures under Chapter VII of the United Nations Charter,

and it was recognized that such measures can, under certain circumstances, constitute appropriate preventive action. It was considered that such measures could be rendered more effective through the establishment of a permanent United Nations Emergency Force as suggested in *An Agenda for Peace* submitted by the Secretary-General and by a revitalization of the Military Staff Committee provided for in Chapter VII of the United Nations Charter.

16. There is nevertheless some doubt as to whether enforcement measures under Chapter VII constitute appropriate preventive action in all cases, more especially in view of the political element which could, under certain circumstances, constitute an impediment to conflict resolution. Consideration should therefore be given to the more basic need to establish an open and constructive dialogue with regard to potential or existing conflict situations, including their humanitarian aspects. These concerns should, as far as possible, be taken into account by the Security Council, and enforcement measures under Chapter VII, whether or not involving the use of force, should always respect generally accepted humanitarian standards as defined by international humanitarian law and human rights law.

17. It was recognized that *peace-keeping* and *peace-building* efforts undertaken by the United Nations or by regional organizations may be of importance as preventive action. When such action is undertaken, however, due regard should be had to the humanitarian aspects of conflict prevention. It should, moreover, be ensured that peace-keeping efforts, through their objective and impartial character, are designed to avoid a further deterioration of a conflict situation and contribute to a lasting solution. Peace-building efforts should address the causes of a conflict situation in a comprehensive manner so as to bring about solutions of a basic and lasting nature.

18. In view of the large number of players normally involved in a potential or actual conflict situation, the effectiveness of any preventive effort must necessarily depend upon appropriate *coordination* between them. On the other hand, the effectiveness of such efforts could be seriously undermined through uncoordinated action. It was therefore considered that appropriate coordination and harmonization mechanisms should be established at the universal level, e.g. by reinforcing the powers and the authority of the United Nations Department of Humanitarian Affairs (DHA) established pursuant to General Assembly resolution 46/182 of 19 December 1991. Appropriate coordination arrangements should also be made at the local level between the organizations concerned and

agencies represented in a country or area where a potential or actual conflict situation exists.

19. **Disarmament** can be a very important factor in preventing conflicts or reducing their effects. In spite of certain recent encouraging developments in this area, the overall results have not been satisfactory. Sustained and intensified efforts are therefore required. Nuclear and biological weapons need to be fully regulated. Special mention was also made of the need to deal with the problem of landmines and to promote wider acceptance of international instruments relating to this matter.

20. Particular emphasis was placed on the role which can and should be played by **regional organizations** in conflict prevention, as a complement to that performed by the United Nations at the universal level. It was recognized that with their knowledge of, and concern for, the political problems existing in their respective areas, regional organizations may be in a particularly favourable position to exercise a mediatory function. They may also be able to mobilize the requisite political will to resolve a potential or actual conflict. Finally, they might be able to generate the necessary solidarity to promote solutions for potential or actual conflict situations arising in other areas, and in any event to co-ordinate the provision of humanitarian assistance aimed *inter alia* at mitigating the effects of a conflict situation. Such action by regional organizations should, of course, be in conformity with Chapter VIII of the United Nations Charter.

21. It was considered that **non-governmental organizations** can frequently play a major part in conflict prevention. They may, for example, be able to facilitate preventive diplomacy by their contribution to fact-finding and early warning, and through the mediatory function which they may be able to exercise in certain cases. In this context, the role of National Red Cross and Red Crescent Societies in conflict prevention, both before and during the conflict and in the post-conflict phase, was particularly stressed and it was considered that National Societies should adopt a more activist approach as regards both long-term and short-term objectives.

22. Humanitarian action to mitigate human suffering resulting from conflict situations has a preventive character in so far as it serves to avoid any further deterioration. In this connection, it was noted with satisfaction that humanitarian issues had now come to the forefront of public attention throughout the world. It was considered that **humanitarian assistance** should now be recognized as a major factor in the area of prevention. It was, moreover, deemed essential that humanitarian assistance be provided

under optimum conditions in complete accordance with the three principles which should govern all humanitarian action, i.e. humanity, impartiality and neutrality. It was of particular importance that in all conflict situations humanitarian action be kept clearly distinct from political and military action.

23. Efforts should be made to develop the *right* under international law of innocent victims *to receive* assistance. Such efforts appeared to be justified by more recent practice, and the "Guiding Principles on the Right to Humanitarian Assistance", adopted by the Board of the Institute in April 1993, can provide an appropriate basis for further promotional efforts in this area. These Guiding Principles have been greatly welcomed by a number of institutions concerned and could appropriately be drawn to the attention of the United Nations Commission on Human Rights and the International Red Cross and Red Crescent Movement.

24. The right of the international community to concern itself *with human* rights situations has now been generally accepted. Moreover, efforts with a view to prevention can be successful only by ensuring full respect for and effective implementation of international human rights law, international humanitarian law and international refugee law. On the other hand, failure to respect these different branches of international law could well result in a further deterioration of a conflict situation. It was therefore necessary to promote observance through effective action by the relevant international bodies. These include the ICRC, UNHCR, the United Nations human rights mechanisms and intergovernmental and non-governmental organizations which, in the course of their activities, are confronted with violations of these branches of international law. Among the United Nations human right mechanisms, particular emphasis was placed on the newly created post of a United Nations High Commissioner for Human Rights. The first actions undertaken by this highly important official in the United Nations system, which were aimed at protecting endangered human rights and thereby preventing possible conflicts, notably in Burundi, Guatemala and Rwanda, were particularly commended since they reflect a significant development of the role of the United Nations in this field. The increased role of the United Nations Centre for Human Rights was also noted with satisfaction.

25. The various measures to be taken against gross violations of basic human rights should include *international penal sanctions*. In this context, the creation of the ad hoc tribunal for various violations of international humanitarian law in the former Yugoslavia was noted. The ultimate objective should be to establish a permanent international judicial body,

with the necessary jurisdiction to deal with such crimes wherever they may occur.

26. Ensuring respect for international humanitarian law, international refugee law and international human rights law also calls for continuing efforts to promote accession to the relevant international legal instruments. In addition, existing arrangements for dissemination and training should be increased and extended so that all target groups concerned are educated to understand and observe humanitarian principles in their respective fields of activity and cultural environment.

27. For the successful implementation of the said three branches of international law, adequate training of the necessary personnel is of capital importance. In this respect, the long-standing experience of the Institute and other competent bodies, in particular the ICRC and UNHCR, should be used more fully. The dissemination of knowledge of these branches of international law is an ongoing task to which adequate attention should also be paid in the future.

28. The media have a major role to play in alerting public opinion to conflict situations. In many cases, however, certain media have departed from the professional ethical standards established for journalists, which should be particularly closely followed in conflict situations. There is therefore a need to ensure the strict observance of these standards.

29. The Institute wishes to express its appreciation to the chairpersons, the participants who introduced the various subjects, the moderators of panels and their assistants, the Coordinator of Panels and the other participants for their valuable contributions to the discussions. Special thanks go to the Organizing Committee of this Round Table, chaired by Dr. Ugo Genesio, Secretary-General of the Institute.

30. The Institute will compile the wealth of material produced by the Round Table and will arrange for its publication, including the moderators' reports, in due course. It will also ensure the follow-up of the Round Table's recommendations, in cooperation with the other institutions concerned.

GENEVA, NEW YORK, WASHINGTON

DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW TO DIPLOMATS AND INTERNATIONAL OFFICIALS

During the first half of 1995, several dissemination seminars on international humanitarian law were organized for diplomats accredited to the United Nations and officials of international organizations.

(1) The *twelfth annual seminar on international humanitarian law for diplomats accredited to the United Nations in New York* was held there from 17 to 19 January. Organized jointly by New York University and the ICRC and attended by some fifty diplomats, the seminar dealt with major aspects of international humanitarian law.

After speeches by Mr Hans Corell, United Nations Deputy Secretary-General and Legal Adviser, and Mr Paul Grossrieder, ICRC Deputy Director of Operations, the subjects were introduced by Mr T. Meron, professor at the New York University and the Graduate Institute of International Studies in Geneva, Mr Horst Fischer from the University of Bochum, Mr Robert K. Goldman from the American University School of Law, Washington, and Mr Roy Lee, Office of Legal Affairs of the United Nations. On behalf of the ICRC, the head of the International Organizations Division and the head and deputy head of the delegation to the United Nations also took part in the discussions.

The work ended with two panels dealing, respectively, with individual responsibility for war crimes and the situation in Rwanda.

(2) The *fourth seminar on international humanitarian law for diplomats accredited to the United Nations Office in Geneva* took place on 21 and 22 March at the Graduate Institute of International Studies in Geneva. Jointly organized by the Institute and the ICRC, the seminar was attended by some 50 diplomats from about 30 Permanent Missions,

together with about 12 people sent by the United Nations and its specialized agencies.

The main purpose of this event was to familiarize diplomats with international humanitarian law and explain the work of the ICRC. It is in line with the seminars which have been organized at New York University for the past twelve years and the one organized in Addis Ababa last year together with the Organization of African Unity.

The seminar was opened by Mrs Brunschwig-Graf, a member of the State Council of the Republic and Canton of Geneva, and Professor Theodor Meron.

The ICRC's Deputy Director for Principles, Law and Relations with the Movement, the Legal Adviser to the Directorate and the head of the Legal Division introduced the following topics: origin and development of international humanitarian law (IHL); the operational activities of the ICRC; and restrictions on the means and methods of war. Law professors from the University of Geneva and from the Graduate Institute of International Studies presented other subjects, notably international human rights law and the relevance of humanitarian law in non-international armed conflicts.

When invited to speak at the end of the seminar, ICRC President Cornelio Sommaruga described the challenges facing the ICRC. In particular, he stressed the need to maintain a humanitarian dimension in the midst of conflicts and ensure coordination amongst the institutions concerned. He also highlighted the importance of spreading knowledge of IHL in other cultures so as to promote non-violence, tolerance and solidarity. Mr Sommaruga went on to mention the financial challenge confronting the ICRC, namely to continue discharging its mandate without relinquishing its independence and autonomy. After reminding participants of the need for universal adherence to humanitarian law instruments, he emphasized that the time had come to revise the law on landmines, in particular anti-personnel mines, and urged that they be totally banned.

The seminar ended with a round table to consider ways of improving the implementation of international humanitarian law, including international tribunals. Mr Sandoz, Director for Principles, Law and Relations with the Movement, acted as moderator; he was assisted by panellists who introduced the following subjects: implementation by States of IHL in accordance with the obligation contained in Article 1 common to the 1949 Geneva Conventions; national measures to implement IHL; the question of a permanent international tribunal; and the dissemination of IHL.

The very lively discussions were concerned more specifically with non-international armed conflicts, the nature of humanitarian law and the ICRC's neutrality.

(3) A *seminar on international humanitarian law* took place on 10 and 11 April 1995 at the American University in Washington, D.C. This was the twelfth seminar of its kind and was organized by Professor Robert K. Goldmann and the American Red Cross, with the assistance of the ICRC; it was particularly geared to the diplomatic community, including diplomats accredited to the Organization of American States (OAS). In addition to representatives of NGOs, officials from the State Department and the Pentagon were invited.

The speakers included Mr Francis Deng, Special Representative of the United Nations Secretary-General on Displaced Persons, Ms Roberta Cohen, Associate Director, Brookings Institute - Refugee Policy Group Project, Professor Tom J. Farer, Legal Adviser to the Pentagon, Professor Reismann of the Yale Law School and previous Chairman of the Inter-American Commission on Human Rights, and Mr Roy Lee, Principal Legal Officer, United Nations, New York. The ICRC was represented by the Deputy Head of the Legal Division, the Deputy Head of the International Organizations Division, the Regional Delegate and the Deputy Head of the New York delegation.

The subjects most intensively discussed during the seminar related to displaced persons, the applicability of IHL to peace-keeping forces and the implementation of IHL.

DECLARATION BY THE CZECH REPUBLIC

On 2 May 1995 the Czech Republic made the following declaration regarding its recognition of the competence of the International Fact-Finding Commission.

In accordance with Article 90, paragraph 2 (*a*), of Protocol I of 1977 additional to the Geneva Conventions of 1949, the Czech Republic declares that it recognizes *ipso facto* and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party.

The Czech Republic is the **forty-fifth** State to make the declaration regarding the Fact-Finding Commission.

Books and reviews

HEALTH AND HUMANITARIAN CONCERNS: PRINCIPLES AND ETHICS *

The Fundamental Principles of the Red Cross and Red Crescent have inspired and guided the activities of the International Red Cross and Red Crescent Movement since their adoption in 1965 by the 20th International Conference of the Red Cross, and they can be said to constitute the Movement's ideological charter.

However, over the decades, experience has shown that the application of these Fundamental Principles within the Movement can clash with other ideologies, traditions and interests, or run up against violations of international humanitarian law or of human rights.

Professional and voluntary health workers sometimes find themselves confronted with difficult situations in which their assignments do not conform to the principles that they must respect. Doctors, nurses or social workers from National Societies, called on by their governments or government agencies to assist in or to take over the running of health programmes, then face a serious dilemma for which they are ill prepared.

So, what should they do and how should they go about it? To say only that health professionals should act within the framework of the Fundamental Principles is not enough. They must also understand these Principles and how to use them. Until now, no single text had been written that offered guidance on the relationship between the conduct of health professionals, the major humanitarian issues, the Fundamental Principles and codes of professional ethics.

The guidelines laid down by Henry L. Zielinski in his book aim to remedy this shortcoming. The author presents us firstly with information compiled from basic documents and reference works on humanitarian issues as they relate to the tasks of the Movement in the area of health. He then draws on interviews with workers experienced in health issues within the Movement, and finally analyses various questionnaires sent out to the National Societies.

* Henryk Leszek Zielinski, *Health and humanitarian concerns — Principles and ethics*, Martinus Nijhoff Publishers, Dordrecht, 1994, 117 pp.

After reminding us of the respective mandates of the Movement's components in the area of health, both during armed conflict and in peacetime, the author presents each one of the Fundamental Principles and explains, with examples, what they mean for health workers.

The importance of professional codes of ethics is also emphasized. Both the Declaration of Geneva, adopted in 1948 by the World Medical Association (WMA) and amended in 1968 and 1983, and the International Code of Medical Ethics, adopted in 1949 by the WMA and amended in 1968 and 1984, are based on the Hippocratic oath devised by the Greek physician who gave it his name (460-370 BC).

The most interesting part of the book is a series of exercises aimed at helping health professionals make sound decisions which respect humanitarian values. Here the author looks at what happens when a country's authorities refuse permission for medical teams to help communities affected by a famine; how a medical team might react when asked by a government to force-feed hunger strikers; and whether health workers should intervene in the private life of a family where children are being abused.

Other examples are based on cases of torture, the sale of organs, AIDS, etc. In each case Dr Zielinski poses apt questions and gives the basis of a reply referring back to the relevant documents mentioned earlier.

This useful book is supplemented with numerous annexes, which health workers might find interesting, of official texts relating to the Movement, the United Nations and various medical organizations.

Jacques Meurant

The *International Review of the Red Cross* is the official publication of the International Committee of the Red Cross. It was first published in 1869 under the title "Bulletin international des Sociétés de secours aux militaires blessés", and then "Bulletin international des Sociétés de la Croix-Rouge".

The *International Review of the Red Cross* is a forum for reflection and comment and serves as a reference work on the mission and guiding principles of the International Red Cross and Red Crescent Movement. It is also a specialized journal in the field of international humanitarian law and other aspects of humanitarian endeavour.

As a chronicle of the international activities of the Movement and a record of events, the *International Review of the Red Cross* is a constant source of information and maintains a link between the components of the International Red Cross and Red Crescent Movement.

The *International Review of the Red Cross* is published every two months, in five main editions:

French: REVUE INTERNATIONALE DE LA CROIX-ROUGE (since October 1869)

English: INTERNATIONAL REVIEW OF THE RED CROSS (since April 1961)

Spanish: REVISTA INTERNACIONAL DE LA CRUZ ROJA (since January 1976)

Arabic: المجلة الدولية للصليب الأحمر (since May-June 1988)

Russian: МЕЖДУНАРОДНЫЙ ЖУРНАЛ КРАСНОГО КРЕСТА (since November-December 1994)

Selected articles from the main editions have also been published in German under the title *Auszüge* since January 1950.

EDITOR: Jacques Meurant, D. Pol. Sci.

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The *International Committee of the Red Cross (ICRC)* and the *International Federation of Red Cross and Red Crescent Societies*, together with the *National Red Cross and Red Crescent Societies*, form the International Red Cross and Red Crescent Movement.

The *ICRC*, which gave rise to the Movement, is an independent humanitarian institution. As a neutral intermediary in the event of armed conflict or unrest it endeavours, on its own initiative or on the basis of the Geneva Conventions, to bring protection and assistance to the victims of international and non-international armed conflict and internal disturbances and tension.

INTERNATIONAL REVIEW

Special

DISSEMINATION AND PREVENTIVE ACTION

Dissemination of the humanitarian rules
for the purpose of prevention

Action before, during and after the crisis:
The experience of the ICRC in retrospect

*Dissemination in academic circles
The Jean Pictet Competition*

26th INTERNATIONAL CONFERENCE
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The evolution of international humanitarian
law as reflected by the
International Review of the Red Cross